

A compilation of fatawa (edicts) of different scholars and institutions on issues relating to love, sex and rape

(Also including some additional medical or other matters)

Wednesday, September 17/09/2008, Version 6,000

Batch One

(With rectification of some of the errors in the previous versions)



Ustadh,

Ahmed Fazel Ebrahim

Johannesburg

South Africa

fatwa@fatwa.org.za

Contents

Introduction

Pornographic films and nude photography

1. Is it permissible for a husband and his wife to see a porn movie together?
2. One of the spouses suffers sexual coldness and is not excited except through viewing sexual films. Is this permissible? We heard someone say that watching such films for those who are unmarried is allowed. Is this correct? Guide us to a solution.
3. I used to visit porn sites but have now left it. However, sometimes, that desire arises and I can't stop it?
4. He wants to photograph his wife naked so that he can look at the pictures when he is away!

Menstruation (Haidh)

1. Can I pleasure myself via rubbing my penis between my wife's breast during her menstrual periods?
2. We had Sex during menstruation. Does this constitute a Islamic divorce?
3. Details from the Mabsut of Imam Sarakhs, Bada'i-us-Sanaai and Tahaawi
4. Can I have romance/intimacy with my wife while she is in the state of impurity (menses and after child birth [Nifaas])?
5. A fatwa from Al-Azhar regarding sex during menstruation
6. Ruling on having intercourse with a menstruating woman whilst wearing a condom
7. The Hanafi view relative to sex during menstruation
8. A woman's fulfilment of her sexual need during menstruation

Adultery (Zina)

1. He is unsure if she inserted his penis in her vagina. So did he commit Zina?
2. Did he commit adultery of the highest form (actual Zina) if he did not break her virginity?
3. I kissed a man and touched his genitals, and he did the same to me. What is the Kaffarah? Can I marry another person.
4. Hadith on Allah's anger upon Zina
5. I committed Zina while married. I am now pregnant and want to marry the person with whom I made Zina.
6. The consequences of Zina before marriage
7. Wali's duty after coming to know about Zina committed by the wife
8. Disciplining Those Who like that Illegal Sexual Intercourse should be circulated among the Believers

The spouses looking at each other in the nude

1. Can the spouses look at the naked bodies of each other?
2. Can a couple bathe together in the nude?
3. Is it allowed for me to see my wife fully naked on camera, while we are chatting online, as I am very far from here and this is the only way calms me down?
4. Caressing your wife all over her body
5. Is it permissible for women to wear sexy lingerie for their husbands, and, in hot climates, just wear lingerie under the burkha (an outer female garment which covers the female from head to toe)?

Sexual Format

1. Can I practice coitus interruptus
2. Is talking allowed during intercourse?
3. Am I entitled to refuse him to enter my vagina from behind my bums?

- 4.a Thinking of the attributes of another women while having sex with your wife.
- 4.b He imagines that he is having intercourse with someone other than his wife.
- 4.c She imagines enjoyment with non-specific imaginary men before intercourse
5. What is the ruling regarding a man who drank his wife's milk (after extraction) or directly sucked milk from the breasts of his wife (immaterial whether this is during sex or at any other time?)
6. Supplication (Dua) before sex
7. Having intercourse with one wife in front of the other

Oral Sex

1. Am I allowed to have oral sex with my wife as foreplay not actually swallowing any fluid?
2. Can I suck my husband's penis?
3. Can the wife kiss her husband's male organ?

Anal Issues

1. Another man inserted his finger in my anus. Will this prohibit me from getting married to a chaste Muslim
2. Can I enter my wife's anus with a condom?
3. A man's placing his finger/s in his wife's anus
4. Can my husband enter me from behind?
5. Consensual Anal Sex
6. He had anal intercourse with a foreign woman but they have repented. Is it permissible for them to get married?
7. My husband threatens to commit adultery if I do not allow him anal sex. Can I, in this case allow him anal sex if I fear getting divorced or losing his love?
8. Who were the first group of people to do sodomy?
9. The punishment for sodomy and lesbianism
10. Anal sex between a married couple does not break the marriage although it is Haraam
11. Can we have anal sex if we don't want to have children?
12. The curse of Rasulullah SAW on those doing anal sex
13. Inserting ice in the wife's anus
14. The Islamic position on homosexuality

Masturbation

1. During menstruation, I am obviously not allowed to have intercourse with my wife. Is my wife allowed to masturbate for me with her breast or hands?
 - 1.1 I want to know if it is permissible for me to masturbate not alone but only while am having sex with my husband because that is the only way I can enjoy sex with him?
- 2.1 Hanafi view on the impermissibility of masturbation. Al-Azhar Fatwa
- 2.2 The Shafi view on the impermissibility of masturbation
- 2.3 Sheikh Saleh Fawzaan concurs on the impermissibility of masturbation
- 2.4 Fatwa of Shaykh Mahmood Khaleel Harraas
3. Can I masturbate a man to whom I made Nikah
4. His wife is not very interested in intercourse so he resorts to masturbation
5. Ruling on masturbation and how to cure the problem
 - 5.1 He is a student living in Denmark and he is suffering with the secret habit
 - 5.2 Homoeopathy remedies for female Masturbation

6. Masturbating without using the hands
7. Masturbation and bathing
8. Using a vibrator
9. A medical perspective of masturbation from a non-Muslim Chinese practitioner
10. I have heard somebody who use his own hand to satisfy his sexual need that means without meeting with woman. What does Islam say about this kind of bad habit?
11. Case One: The results of masturbation
12. Masturbating to remove sperm
13. Masturbation, its rules etc. from the Encyclopaedia of Islamic Jurisprudence – Kuwait Ministry of Awqaf.
14. Mastubating for medical necessity

Penis issues and Impotency

1. Penis enlargement via oral medication
2. I have been married for about 7 months but haven't had sex yet, because my husband can't perform, he has the evil) on us. How long can i stay with him? They say that it is due to hasad (jealousy) but I still love him I don't want to leave him please help!
3. Sexual enhancement with wife...

Psychological problems and evil thoughts instilled by Shaytaan

1. It's a long while that I am unmarried. Can I imagine that I am married and living a married life?
2. She wants to give up prayer as she feels shy before Allaah because she is committing zina

Intimacy during fasting

1. Where can my husband enjoy me while I am fasting?

Massage Services

1. Ejaculation during massage
2. Getting a pelvic massage to eliminate impotence

Kissing

1. Can a eight year old boy kiss a non-Mahram female?

Aids - HIV

1. My spouse has aids. Can I refuse to have sex with him/her?

Sexual disinterest or aversion to sex

1. My husband does not have sex with me!
2. Wife's sexual rights

Loving another man's wife

1. Me and my friend desire to exchange our wives with each other after a divorce

Sexual Abuse

1. I was abused eight times before marriage.
2. I am a victim of sexual abuse at home when I was a very young child. Our household situation was really crazy.... I am still traumatized by it, and feel deep despair about life and my personal situation... Is there any way out of this?

Rape

1. He raped his wife's daughter (from a previous husband)

Husband's inability to sexually satisfy his wife

1. Her husband is not satisfying her sexual desire
2. Wife sexually dissatisfied with husband
3. Wife seeking a divorce due to sexual weakness of husband
4. Premature Ejaculation and marriage
5. Sex with husband not satisfying

Ramadhan and fasting issues

1. He had intercourse with his wife without ejaculating during the day in Ramadaan, because he was unaware that this is haraam, and he did not have a bath afterwards
2. Masturbating when fasting
3. Ruling on the fast of one who thinks about sex then ejaculates

Nocturnal emissions/ Wet dreams

1. The difference between erotic dreams and looking at women
2. Sex with your wife after menses ends but before she makes a ghusl
3. How to repent from having intercourse with one's wife after her period has ended and before she has done ghusl

Resisting sexual desires and temptations

1. How do we resist sexual desires
2. Looking at pictures of women led him to commit the "secret vice"
3. Fantasizing about one's wife: My wife has had to go abroad and has been there now for about four months. Although we miss each other tremendously and talk on the phone every day I often find myself imagining and fantasizing about my wife which leads me to a state of arousal. Is this allowed or should I try to stop thinking about my wife when my thoughts take this path, also, is this healthy?

Contact with the non-Mahram

1. Man writing romantic letters to his former wife

Where must you have sex

1. Is it permissible for him to have intercourse with his wife in the bathroom?
2. Can we put any Islamic wall piece like some surah's in our bedroom?

Curbing sexual desires

1. Homoeopathy remedies for Nymphomania

Other Matters

1. Discussing sex
2. Is it permissible for husband and wife to discuss sexual issues and, perhaps, use various figurative words for the private organs or clearly use the nouns specified for the sexual organs.
3. Can you read erotic and sexual literature?
4. Parents preventing their married children from consummation

Assisting others to engage in illicit sexual activities

1. Lending your vehicle to another for the purpose of Haraam sexual activities

Taharah (Purification) issues

1. Can a junub sleep or eat without having to make wudhu or ghusl?
2. The use of garments for Ibadah when you have already sweated in them during the state of janaabah
3. Emission of sperm (from the male's penis) shortly after bathing from Janabah
4. Purification rules when sex was not done in the female's vagina, and the male and female have released or discharged fluids from their private organs
5. Is sperm pure (Taahir) – The Hanafi view
6. He inserted his penis in me but did not ejaculate. Is Ghusl compulsory?
7. He used his fingers to masturbate me (female). I did discharge. Is Ghusl compulsory?
8. We were caressing each other. His penis leaked with the pre-semen (prostatic transparent fluid). Does this make Ghusl waajib?
9. Rubbing his erect penis over her vagina or elsewhere without actually penetrating her.
10. Removing the sperm from the vagina before performing Ghusl (ritual bath)
11. Nocturnal emission or wet dream of a female
12. My wife played with my penis (or I did it myself). I felt my penis getting hard and could feel a sensation that sperm has most likely been released from the scrotal sack into the veins of the penis. I thus put my mind off sex in order not to release sperm from my penis. Do I still have to make ghusl.
13. If a female has an orgasm without intercourse

Sexual rights

1. Sexual rights when having more than one wife
2. Can she refuse her husband's request for intercourse if she knows that he will miss Fajr prayer?

Halaalah

1. My husband issued me three (3) talaaqs (Islamic forms of divorce). I went through the process of halaalah and stayed with my new husband for a few weeks but did not have sexual intercourse. Am I halaal to remarry my ex-husband.
2. The Maliki view relating to the essentiality of punishing persons who engage in Tahliel

Contraceptives

1. The Morning After Pill
2. Is contraception permissible? Is it disliked? What is the better way?

Sex during pregnancy

1. Can you explain if Islam allows sex while the wife is pregnant? If yes, up to which month of the pregnancy is it allowed?
2. Relations with one's wife whilst she is pregnant

Consummation of a marriage and the female's virginity

1. Having trouble consummating my marriage...
2. My husband has not consummated our marriage for ten years?
3. Wife is unwilling to consummate

Sex Toys

1. Aides for Bedroom Relations
2. RE: Aides for Bedroom Relations: Can these be used alone? Can these “aides” or sex toys such as vibrators be used alone to alleviate one’s loneliness?
3. Sex Instruments
4. Sex Dolls

Bondage

1. Spouse's fantasies (bondage etc) about intimacy

Phone Sex

1. Intimate conversations over the phone

Male potency enhancement

1. Shilajit

Birth Control

1. Using the birth control pill and the coil

Arabic

المدخل - محمد بن محمد العبدري (ابن الحاج) المالكي : فصل في آداب العالم والمتعلم في بيته
 فصل في آداب الجماع

Other books you can read

Introduction

By Ustadh, A.F. Ebrahim

The joy of sex is ingrained within human nature by Allah. The need for this joy is inherent within all normal people. The fulfilment of this joy also provides mental relaxation and that allows the human to function void of mental distress. It is a means of love and closeness. It is the normal means to children and building a family.

It is unfortunate that Muslims, due to not acquiring the required levels of primary Islamic education, fail to learn the rules pertaining to sex. They therefore, due to various other influences, learn incorrect and Haraam (prohibited) forms of sexual conduct from the internet, porn films, normal films with sexual scenes, erotic literature, personal sexual experiences of a Halaal or Haraam nature and through association with those who do not know the orders of Islam in this regard.

Islam governs this function

1. Sex can only be done between married spouses i.e. a male and female who are married to each other. Gay and lesbian relationships are prohibited.
2. Anal sex is prohibited.
3. Sex during the female menstruation period is prohibited. Allah has ordered this in the Quran.
4. There is no prohibition relating to the time of sex but sex is not allowed during the period of wearing the *Ihraam* during the *Haj* and *Umrah* (minor pilgrimage) which is made in Mecca.

It is also not allowed during the hours when a Muslim is fasting (not eating from the entry of Fajr prayer time [true dawn] to sunset) in the month of *Ramadhan* or during any other fast that is kept.

5. As long as penetration of the penis is in the vagina, all styles of sex are allowed.
6. Caressing and foreplay is allowed and essential to the psychology of sex.

When married to two wives

1. You are not allowed to have threesome sex.
2. Sex between the husband and each wife needs to be in their mutual privacy and both wives should not be simultaneously naked with the husband. Nor can any of the two wives watch the other wife having sex with the husband.
3. The husband, immediately after having sex with one wife, may have sex with the second wife without having to bathe but it is preferable that he makes wudhu (ablution) after having sex with the first wife and before having sex with the next wife.
4. If both wives lived at the same residence, nothing is wrong if each of them had sex with the husband in the same room provided that this was done in privacy and not before the other wife.
5. Each wife is only allowed to see the other to levels allowed by the Shariah. Women cannot be totally nude before other women. This rule is not only in public places but also in regard to the private environments of their homes or personal spaces.

Supplication before intercourse

There is a *sunnah* (prophetic supplication) to be read by both spouses before engagement with sex. – *Bismillaahi Allaahumma janniebnash Shaytaana wa jannibish Shaytaana maa razaqaqtanaahu* (In the name of Allah, O Allah! Save us from the *Shaytaan*/devil and distance the *Shaytaan* from that [child] which You may bestow us)

It is preferable that both spouses be with ablution (wudhu) before sex.

Rules relating to purification due to sexual activity

When the male's penis leaks with prostatic fluid (transparent slimy pre-semen release) it becomes obligatory for him to renew his *wudhu* (ablution as specified in Islam) before doing certain forms of worship.

However, when sperm is released by the male, whether before sex, during sex or after sex, then it becomes obligatory for him to have a complete bath (the entire body must be made wet, water be placed to clean nostrils and he must gargle his mouth).

Also, the moment the penis head enters the vagina – immaterial whether he ejaculated or not -, both spouses are obligated to have a bath before the performance of the 5 *salaah* or doing other acts of worship which require you to be in a state of purity

Our answers

I attempt as best as possible to answer in the light of the primary and secondary sources of Islamic Law.

I later decided to include some of the answers given by other prominent scholars of Islam. Where their views are quoted without any criticism, it should be noted that these were included for the sake of including other opinions and therefore their opinion may not necessarily be accepted by us.

Pornographic films and nude photography

1. Is it permissible for a husband and his wife to see a porn movie together?

It is not permissible to watch porn, immaterial whether you married or unmarried, and immaterial whether you watch it alone and secretly or whether you see it with your husband/wife.

Watching pornographic films is totally prohibited and cannot even be sanctioned as a curative measure for those suffering with ED (erectile dysfunction).

Ustadh, Ahmed Fazel Ebrahim

2. One of the spouses suffers sexual coldness and is not excited except through viewing sexual films. Is this permissible? We heard someone say that watching such films for those who are unmarried is allowed. Is this correct? Guide us to a solution.

From the Fatawa of Wahbah Zuhaily (downloaded from the net) - Sex, adultery, etc

- إذا كان أحد الزوجين يعاني من برود جنسي ولا يشار إلا بمشاهدة الأفلام الجنسية فهل عمله هذا جائز؟ فقد سمعنا من أحدهم أن مشاهدة هذه الأفلام لغير المتزوج مباح فهل هذا صحيح أرشدونا إلى الحل.

1- النظر إلى الحرام مهما كانت الأسباب حرام، لذا فلا يحل مثل هذه المشاهدة قطعاً لعلاج برود جنسي أو مجرد التشهي، فهذا منكر. أما ما نقل عن أحدهم فهو قول خطأ ورأي شاذ لا ينفت إليه، فعلاج البرود يكون بتناول العلاج المباح، أما هذه الأفلام الجنسية فهي شر محسن، ولا تصلح للعلاج.

Translation by Ustadh, Ahmed Fazel Ebrahim
Johannesburg, South Africa

Can you view sexual or pornographic films

One of the spouses suffers sexual coldness and is not excited except through viewing sexual films. Is this permissible? We heard someone say that watching such films for those who are unmarried is allowed. Is this correct? Guide us to a solution.

To view the Haraam (impermissible) is Haraam, immaterial what the reasons may be. It is therefore totally not permissible to view such material to cure sexual coldness or for mere lust. This is a detested evil. As for the view quoted by someone (one its permissibility for the unmarried), it is incorrect and is an irregular opinion that cannot be acknowledged at all. The cure for (sexual) coldness should be through the use of permissible curative measures. These sexual films are purely evil and are not acceptable for curative measures.

Shaikh Buti allows watching such films in the case of sexual coldness. This is a serious deviation from the path of Haqq.

by A.F.Ebrahim

محمد سعيد رمضان البوطي في ميزان الشريعة
البوطي الذي يزايى بدرء المفاسد وسد الذرائع يبيح للمرأة التي تعاني من برودة جنسية أن تشاهد الأفلام

3. I used to visit porn sites but have now left it. However, sometimes, that desire arises and I can't stop it?

1. The feeling towards evil is natural. Every human being has a Shaytaan with him/her that whispers bad and evil to the person. Allah has given every individual the strength and courage to fight the evil whispers of the Shaytaan. If you were used to see porn sites and now stopped, that is a courageous step in the right direction. You have been feeding yourself with evil and now you are not. You will experience the normal withdrawal symptoms. The Shaytaan will also enhance those evil feelings. Be firm and strong. You will overcome that fight soon and be clean from that evil. Courage and Mujaahadah are the most important steps to be successful. Whenever you have an evil feeling, recite 'laa hawla walaa quwwata illaa billaah' and divert your mind to something else.

And Allah Ta'ala Knows Best

Mufti Ebrahim Desai

4. He wants to photograph his wife naked so that he can look at the pictures when he is away!

Can a husband video tape his wife while she is naked or showing off her body parts, so he can watch the video when he is away or when she is not there, and get the pleasure that way for time being rather than watching something else which might be haram.

Praise be to Allaah.

The action mentioned in the question is one of the most abhorrent of actions. It is haraam in and of itself and because of what it leads to. As for it being haraam in and of itself: a woman in principle is entirely ‘awrah and it is not permissible to take her picture in the first place, even if nothing appears but her face and hands, so how about if what appears is more than that. What if the picture shows her most private ‘awrah? Undoubtedly this is more abhorrent and sinful and leads to greater punishment.

The scholars of the Standing Committee were asked:

Is a picture of a woman in her passport or elsewhere ‘awrah or not? Is it acceptable for a woman, if she refuses to have her picture taken, to delegate someone to perform Hajj on her behalf, because she cannot get a passport for that reason? And what is the limit of covering for women according to the Qur'aan and Sunnah?

They replied:

She does not have the right to allow her face to be photographed, whether in a passport or otherwise, because it is ‘awrah, and because having her picture in a passport or elsewhere is a cause of people being tempted because of her. But if she cannot travel for Hajj without doing that, then she is granted a concession allowing her to have her picture taken so that she may perform the obligatory duty of Hajj, and it is not permissible for her to delegate someone else to do it on her behalf. The entire woman is ‘awrah according to the evidence of the Qur'aan and Sunnah, so what she is required to do is to cover all of her body before non-mahrams, because Allaah says (interpretation of the meaning):

“and not to reveal their adornment except to their husbands, or their fathers, or their husband's fathers ...”

[al-Noor 24:31]

“And when you ask (his wives) for anything you want, ask them from behind a screen, that is purer for your hearts and for their hearts”

[al-Ahzaab 33:53]

Shaykh ‘Abd al-‘Azeez ibn Baaz, Shaykh ‘Abd-Allaah ibn Ghadyaan, Shaykh ‘Abd-Allaah ibn Qa’ood. Fataawa al-Lajnah al-Daa’imah (1/718, 719).

In the answer to question no. [13342](#) we quoted Shaykh Saalih al-Fawzan as saying:

Taking pictures of women is not permitted at all, because of the temptation and evil that results from that, in addition to the fact that taking pictures is forbidden in and of itself. So it is not permissible to take pictures of women when traveling or for any other reason. The Council of Senior Scholars has issued a statement that this is haraam. End quote.

The husband has no excuse for taking pictures of his wife naked because he is her husband. That does not make it permissible for him to do this abhorrent act, and his being away from his wife is not regarded as an excuse for him, because it is haraam to take pictures of women in the first place – we have quoted fatwas of the scholars concerning that – and because of the evil consequences to which it leads. Among the consequences to which keeping pictures of one's wife when she is naked or immodestly dressed may lead are the following:

1. The husband's belongings may be stolen or he may lose or forget the picture in a public place, so the picture may be spread far and wide and it may fall into the hands of fools who would make use of the picture to cause more evil and corruption.
2. He and his wife may get divorced, in which case she would become a stranger (non-mahram) to him, in which case it would not be permissible for him to look at her after the divorce which makes her a stranger to him.
3. The husband may use it against his wife. There have been many such cases where the husband uses such things against his wife to make her give up her financial rights or fulfil his haraam desires or keep quiet about his abhorrent actions, and all of that happens because he possesses pictures or a video of her when she is naked or semi-naked.
4. The husband's looking at a picture of his naked wife when he is away from her will never extinguish his desire, rather the opposite is the case. It will inflame his desires and they cannot be extinguished – in most cases – except by doing haraam actions such as the secret habit – which is the least of them – or zina or homosexuality – Allaah forbid.

So his excuse for taking pictures of his wife and keeping them so he can look at them when he is away from her is unacceptable, and his action is a cause of him falling into haraam, because of the picture-taking itself, and because of the evils to which it leads.

It is not permissible for the husband to take a picture of his wife when she is naked or semi-naked. He should have the attitude of protective jealousy for his honour, and do whatever he can to protect his honour and not neglect it by doing such actions. Similarly, it is not permissible for the wife to agree to do that and she should denounce him and not respond to him.

Allaah has made each spouse a libaas (screen) for the other. Allaah says (interpretation of the meaning):

“They are Libaas [i.e. body-cover, or screen, or Sakan (i.e. you enjoy the pleasure of living with them) Tafsir] for you and you are the same for them”

[al-Baqarah 2:187]

The husband should pay attention to that: he is a screen for his wife, so how could he seek to uncover her by means of this action when the basic principle is that he should be a screen and conceal her?

The husband should not stay away from his wife and family a great deal, because he needs them and they need him. His wife needs him so that they can keep one another chaste, and the children need him to raise them and look after them. If the husband has to go away and the wife agrees to that, then he must fear Allaah, his Lord, and keep away from anything that may provoke his desire such as mixing with women, being alone with a member of the opposite sex or looking. He should do a lot of acts of worship, especially fasting, and he should choose righteous companions who will guide him to do good and encourage him to obey Allaah.

We ask Allaah to help him to do that which He loves and which pleases Him.

And Allaah knows best

Menstruation time

1. Can I pleasure myself via rubbing my penis between my wife's breasts during her menstrual periods?

I am married. Usually I have intercourse at a one or two night interval but during my wife's menstruation I ejaculate by rubbing between her breasts using only her upper parts of the body. Is it Ja'iz (permissible)? If not then how can I fulfil my sexual desire during this period?

Answer

1. It is permissible.

Abdool Kader Hoosen : mufti@telkomza.net

2. Yes, it is permissible.

And Allah Ta'ala Knows Best
Mufti E Salejee (Durban) darululum@eastcoast.co.za

2. We had Sex during menstruation. Does this constitute an Islamic divorce?

Sex during menstruation is not considered a divorce

Ahmed Fazel

3. Details from the Mabsut of Imam Sarakhs

كتاب الاستحسان – المبسوط للسرخسي

فَمَا جَمَاعُ الْحَائِضِ فِي الْفَرْجِ

فَمَا جَمَاعُ الْحَائِضِ فِي الْفَرْجِ حَرَامٌ بِالنَّصْرِ يَكْفُرُ مُسْتَحْلِهُ وَيَفْسُقُ مُبَاشِرَهُ لِقُولِهِ تَعَالَى { فَاعْتَرُلُوا النِّسَاءَ فِي الْمَحِيضِ } وَفِي قُولِهِ تَعَالَى { وَلَا تَقْرِبُوهُنَّ حَتَّى يَطْهُرْنَ } دَلِيلٌ عَلَى أَنَّ الْحُرْمَةَ تَمْتَدُ إِلَى الطَّهْرِ وَقَالَ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ { مَنْ أَتَى امْرَأَهُ فِي عِيْرِ مَاتَاهَا أَوْ أَتَاهَا فِي حَالَةِ الْحَيْضِ أَوْ أَتَى كَاهِنَهَا فَصَدَّقَهُ بِمَا يَقُولُ فَقُدْمُ كَفَرَ بِمَا أَنْزَلَ اللَّهُ عَلَى مُحَمَّدٍ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ } وَلَكِنَّ لَا يَلْزَمُهُ بِالْوَطْءِ سَوَى التَّوْبَةِ وَالِاسْتِغْفَارِ وَمِنَ الْعُلَمَاءِ مَنْ يَقُولُ : إِنَّ وَطْهَرَهَا فِي أَوَّلِ الْحَيْضِ فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِدِيْنَارٍ وَإِنْ وَطَهَرَهَا فِي آخرِ الْحَيْضِ فَعَلَيْهِ أَنْ يَتَصَدَّقَ بِصِصَّ دِيْنَارٍ وَرَوَى فِي هَذِهِ حَدِيثًا شَادًا وَلَكِنَّ الْكَفَرَةَ لَا تَتَبَتَّ بِمِثْلِهِ . (وَحْجَتَا) فِي ذَلِكَ مَا رُوِيَ أَنَّ رَجُلًا جَاءَ إِلَى الصَّدِيقِ رَضِيَ اللَّهُ عَنْهُ وَقَالَ : إِنِّي رَأَيْتُ فِي الْمَنَامِ كَاهِنًا أَبُولَ دَمًا فَقَالَ : أَنْصَدْقِي قَالَ : نَعَمْ قَالَ : إِنَّكَ تَأْتِي امْرَأَكَ فِي حَالَةِ الْحَيْضِ فَاعْتَرِفْ بِذَلِكَ قَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ : اسْتَغْفِرُ اللَّهَ وَلَا تَعْذُّ وَلَمْ يَلْزِمْهُ الْكَفَارَ وَأَخْتَلَفُوا فِيمَا سَوَى الْجَمَاعِ فَقَالَ أَبُو حَيْثَةَ رَحْمَهُ اللَّهُ تَعَالَى : لَهُ أَنْ يَسْتَمْتَعْ بِمَا فَوْقَ الْمِنَارِ وَلَكِنْ لَهُ مَا تَحْتَهُ وَقَالَ مُحَمَّدٌ رَحْمَهُ اللَّهُ تَعَالَى : يَجْتَبُ شَعَارُ الدَّمِ وَلَهُ مَا سَوَى ذَلِكَ وَهُوَ رَوَايَةُ الْحَسَنِ عَنْ أَبِي حَيْثَةَ رَحْمَهُ اللَّهُ تَعَالَى وَذَكَرَ الطَّحْطَاوِيُّ قَوْلُ أَبِي يُوسُفَ مَعَ أَبِي حَيْثَةَ رَحْمَهُمُ اللَّهُ تَعَالَى وَذَكَرَهُ الْكَرْخِيُّ مَعَ مُحَمَّدٍ رَحْمَهُمُ اللَّهُ تَعَالَى وَجْهَ الْإِسْتِدَالِ بِقَوْلِهِ تَعَالَى { قَلْ هُوَ لَدُّي } فَفِيهِ بَيَانٌ أَنَّ الْحُرْمَةَ لِمَعْنَى اسْتِعْمَالِ الَّذِي وَذَلِكَ فِي مَحَلٍ مَخْصُوصٍ وَرَوَى فِي الْكِتَابِ عَنِ الصَّلَتْ بْنِ دِيْنَارٍ عَنْ مَعَاوِيَةَ بْنِ فَرَّةِ رَضِيَ اللَّهُ عَنْهُمْ قَالَ سَأَلَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ قَالَتْ : يَجْتَبُ شَعَارُ الدَّمِ وَلَهُ مَا سَوَى ذَلِكَ وَفِي حَدِيثٍ أَخْرَى عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ الْحَائِضِ كُلُّ شَيْءٍ إِلَّا النَّكَاحُ يَعْتَقِي الْجَمَاعَ وَالْمَعْنَى فِيهِ أَنَّ مَلْكَ الْحَلِّ بَاقٍ فِي زَمَانِ الْحَيْضِ وَحُرْمَةُ الْفَعْلِ لِمَعْنَى اسْتِعْمَالِ الَّذِي قَدْ فَعَلَ لَا يَكُونُ فِيهِ اسْتِعْمَالُ الَّذِي فَهُوَ حَلَالٌ مُطْلَقٌ كَمَا كَانَ قَبْلَ الْحَيْضِ وَقَاسِهُ بِالْإِسْتِمْتَاعِ فَوْقَ الْمِنَارِ وَحْجَةٌ أَبِي حَيْثَةَ رَحْمَهُ اللَّهُ قُولِهِ تَعَالَى { فَاعْتَرُلُوا النِّسَاءَ فِي الْمَحِيضِ } فَظَاهِرُهُ يَتَضَرِّعُ لِتَحْرِيمِ الْإِسْتِمْتَاعِ بِكُلِّ عَضُوٍّ مِنْهَا فَمَا اتَّقَقَ عَلَيْهِ التَّأْرُ صَارَ مَخْصُوصًا مِنْ هَذَا الظَّاهِرِ وَبَقِيَ مَا سَوَاهُ عَلَى الظَّاهِرِ . وَرَوَى { أَنَّ وَقَدْ سَأَلُوا أَمْرَأَهُمْ رَضِيَ اللَّهُ عَنْهَا مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ الْحَائِضِ كُلُّ شَيْءٍ إِلَّا النَّكَاحُ يَعْتَقِي الْجَمَاعَ وَالْمَعْنَى فِيهِ أَنَّ سَأَلَتْ مَلَكُ الْمُطْلَقِ مِنْ امْرَأَتِهِ الْحَائِضِ وَعَنْ قِرَاءَةِ الْقُرْآنِ فِي الْبَيْوَتِ وَعَنِ الْإِغْتِسَالِ مِنْ الْجَنَابَةِ فَقَالَ : أَسْحَرَهُ أَنْتُمْ لَدُنْ سَائِلَتْهُونِي عَمَّا سَأَلَتْ عَنْهُ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ : لِلرَّجُلِ مِنْ امْرَأَتِهِ مَا فَوْقَ الْمِنَارِ وَلَكِنْ لَهُ مَا تَحْتَهُ وَقِرَاءَةُ الْقُرْآنِ نُورٌ فَقُوْرَ بِيَتِكَ مَا اسْتَطَعْتُ وَذَكَرَ الْإِغْتِسَالَ مِنْ الْجَنَابَةِ { وَفِي حَدِيثٍ أَخْرَى } أَمْ سَلَمَةُ رَضِيَ اللَّهُ عَنْهَا قَالَ : كَتَنْتُ فِي فِرَاشِ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ حَفَضْتُ فَانْسَلَتْ مِنْ الْفَرَاشِ فَقَالَ مَالِكُ الْمَالِكُ أَنْفَسْتُ فَلَتْ : نَعَمْ قَالَ : اتَّنْزَرِي وَعُوَدِي إِلَى مَضْجُعِكَ فَقَعْتُ فَعَلَقَتِي طَوْلَ اللَّيْلِ } وَالْمَعْنَى فِيهِ أَنَّ الْإِسْتِمْتَاعَ فِي مَوْضِعِ الْفَرْجِ مُحَرَّمٌ عَلَيْهِ وَإِذَا قَرْبَ مِنْ ذَلِكَ الْمَوْضِعِ فَلَا يَأْمَنُ عَلَى نَفْسِهِ أَنْ يُوَاقِعَ الْحَرَامَ فَلَيَجْتَبِ مِنْ ذَلِكَ بِالْأَكْتِفَاءِ بِمَا فَوْقَ الْمِنَارِ وَكَانَ هَذَا تَوْعِيْدُ احْتِيَاطِ ذَهْبِ إِلَيْهِ أَبِي حَيْثَةَ رَحْمَهُ اللَّهُ تَعَالَى لِقُولِهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ { أَنَا إِنَّ لَكَ مَلِكًا حَمِيًّا وَجَمِيًّا الْمَحَارِمُهُ فَمَنْ رَتَعْ حَوْلَ الْحَمِيِّ يُوشِكُ أَنْ يَقْعُدْ فِيهِ } وَمُحَمَّدٌ أَخْذَ بِالْقِيَاسِ وَقَالَ : لَيْسَ الْمَرَادُ بِالْإِتَّارِ حَقِيقَةُ الْإِتَّارِ بِلِ الْمَرَادُ مَوْضِعُ الْكَرْسِفِ فِي ذَلِكَ الْمَوْضِعِ وَبَيْنَ النَّابِعِيْنِ اخْتَلَافٌ فِي مَعْنَى قَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ مَا فَوْقَ الْمِنَارِ فَكَانَ إِبْرَاهِيمُ رَحْمَهُ اللَّهُ تَعَالَى يَقُولُ : الْمَرَادُ بِهِ الْإِسْتِمْتَاعُ بِالسُّرَّةِ وَمَا فَوْقَهَا وَكَانَ الْحَسَنُ رَحْمَهُ اللَّهُ تَعَالَى يَقُولُ الْمَرَادُ : أَنْ يَتَنَاهِي بِالْإِتَّارِ وَيَقْضِي حَاجَتَهُ مِنْهَا فِيمَا دُونَ الْفَرْجِ فَوْقَ الْإِتَّارِ وَلَا يَتَبَغِي لَهُ أَنْ يَعْتَزِلَ فِرَاشَهَا لَأَنَّ ذَلِكَ تَشَبُّهُ بِالْيَهُودِ وَقَدْ تَهَبَّنَا عَنِ التَّشَبُّهِ بِهِمْ وَرَوَى { أَنَّ ابْنَ عَبَّاسَ رَضِيَ اللَّهُ عَنْهُمَا فَعَلَ ذَلِكَ قَبْلَ فِيمَوْنَةِ رَضِيَ اللَّهُ عَنْهَا فَانْكَرَتْ عَلَيْهِ وَقَالَ : أَتَرْعَبُ عَنْ سَسَةِ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُضَاجِعُنَا فِي فِرَاشٍ وَاحِدٍ فِي حَالَةِ الْحَيْضِ }

بدائع الصنائع في ترتيب الشرائع
أبو بكر الكاساني الحنفي

(كتاب الاستحسان) وقد يسمى كتاب الحظر والاباحات وقد يسمى كتاب الكراهة والكلام في هذا الكتاب في الأصل في موضعين في بيان معنى اسم الكتاب وفي بيان أنواع المحظورات والمباحثات المجموعة فيه (أما الأول فالاستحسان يذكر ويراد به كون الشيء على صفة الحسن ويدرك ويراد به فعل المستحسن وهو رؤية الشيء حسناً يقال استحسنت كذا أي رأيته حسناً فاحتمل تخصيص هذا الكتاب بالشمية بالاستحسان لاختصاصه عاماً ما أورده فيه من الأحكام بحسن ليس في غيرها ولكنها على وجه يسمى بالاستحسن العقل والشرع (وأما الشمية بالحظر والاباحات فتسمية طابت معناها ووافت مقتضاهما لاختصاصه ببيان جملة من المحظورات والمباحثات وكذا الشمية بالكراهة لأن الغالب فيه بيان المحرمات وكل محرم مكروه في الشرع لأن

الكراهة ضد المحبة والرضا قال الله تبارك وتعالى { وَعَسَى أَن تَكْرُهُوا شَيْئاً وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَن تُحِبُّوا شَيْئاً وَهُوَ شَرٌ لَكُمْ } والشرع لما يحب الحرام ولما يرضا به إلا أن ما تثبت حرمة بدل مقطوع به من نص الكتاب العزيز أو غير ذلك فعادة محمد الله يسميه حراما على الاطلاق وما تثبت حرمة بذلك غير مقطوع به من أخبار التحاد وأقاويل الصحابة الكرام رضي الله عنهم وغير ذلك يسميه مكروها وربما يجمع بينهما فيقول حرام مكروها إشعارا منه أن حرمة ثبتت بذلك ظاهر لا بدل قاطع .

(وأما) بيان أنواع المحرمات والمحلات المجموعة فيه فنقول وبالله تعالى التوفيق المحرمات المجموعة في هذا الكتاب في الأصل نوع ثبت حرمة في حق الرجال والنساء جميعاً وت نوع ثبت حرمة في حق الرجال دون النساء (أما) الذي ثبت حرمة في حق الرجال والنساء جميعاً فبعضها مذكور في مواضعه في الكتب فلما نعده ونذكر ما لا نذكر له في الكتاب ونبدأ بما بدأ به محمد رحمة الله الكتاب وهو حرمة النظر والمس والكلام فيها في ثلاث مواضع أحدها في بيان ما يحل من ذلك ويحرم للرجل من المرأة والمرأة من الرجل والثاني في بيان ما يحل ويحرم للرجل والثالث في بيان ما يحل ويحرم للمرأة من المرأة . (أما) الأول فلما يمكن الوصول إلى معرفته إلا بعد معرفة أنواع النساء فنقول وبالله تعالى التوفيق النساء في هذا الباب سبعة أنواع نوع منها المكروهات وت نوع منها الممدوحات ون نوع منها دواث الرحم المحرم وهو الرحم المحرم للنكاح كلام والبنت والعمة والخالة وت نوع منها دواث الرحم بما محرم وهو جهة الرضاع والمصاهرة وت نوع منها ممدوحات الأعيار وت نوع منها من لا رحم لهن أصلاً ولها محرم وهو الأحنيات الحرائر وت نوع منها دواث الرحم بما محرم وهو الرحم الذي لا يحرم النكاح كيمنت العم والعممة والخال والخالة (أما) النوع الأول وهو المكروهات فيحل للزوج النظر إلى زوجته ومسها من رسها إلى قدمها لاته يحل له وطواها لقوله تعالى { وَالَّذِينَ هُمْ لَفْرُوجُهُمْ حَافِظُونَ إِنَّمَا عَلَى أَزْوَاجِهِمْ أُوْلَئِكَ مَنْكِرُهُمْ عَبْرُ مُلُومِينَ } واته فوق النظر والمس فكان إحلالا لهم من طريق الأولى إلا أنه لا يحل له وطواها في حالة الحيض لقوله تبارك وتعالى { وَيَسْأَلُونَكَ عَنِ الْحَيْضَرْ قُلْ هُوَ أَذَى فَاعْتَرِلُوا النِّسَاءَ فِي الْحَيْضَرْ وَلَا تَقْرِبُوهُنَّ حَتَّى يَطْهُرْنَ } فصارت حالة الحيض مخصوصة عن عموم النساء الذي تلوينا . وهل يحل الاستمتاع بها فيما دون الفرج ؟ اختلف فيه قال أبو حنيفة وأبو يوسف رضي الله عنهم ما يحل الاستمتاع بما فوق الازار وقال محمد رحمة الله يجتب شعار الدم وكله ما سوى ذلك وخالف المشابح في تفسير قولهما بما فوق الازار قال بعضهم المراد منه ما فوق السرة فيحل الاستمتاع بما فوق سرتها ولها بياح بما تحتها إلى الركبة وقال بعضهم المراد منه مع الازار فيحل الاستمتاع بما تحت سرتها سوى الفرج لكن مع المتنر لها مكشوفاً ويمكث العمل بعموم قولهما بما فوق الازار لاته يتناول ما فوق السرة وما تحتها سوى الفرج مع المتنر إذ كل ذلك فوق الازار فيكون عملا بعموم القظ والله سبحانه وتعالى أعلم . (وجده) قول محمد ظاهر قوله تبارك وتعالى { وَيَسْأَلُونَكَ عَنِ الْحَيْضَرْ قُلْ هُوَ أَذَى } جعل الحيض أذى فتحتخص الحرمة بموضع الذي وقد روى أن سيدتنا عائشة رضي الله عنها سئلت عمما يحل للرجل من أمراته الحاضر فقالت ينتقي شعار الدم وكله ما سوى ذلك (وجده) قولهما ما روی عن رسول الله صلى الله عليه وسلم أنه قال { لَنَا مَا تَحْتَ السُّرَّةِ وَلَهُ مَا فَوْقُهَا } وروي { أن أزواج النبي عليه الصلاة والسلام كن إذا حضن أمرهن أن يتزرن ثم يحضاجهن } ولأن الاستمتاع بها بما يقرب من الفرج سبب الوقوع في الحرام قال رسول الله صلى الله عليه وسلم { لَنَا إِنْ لَكَ مُلْكُ حَمَىٰ وَإِنْ حَمَىٰ الْمَحَارِمُ فَمَنْ حَامَ حَوْلَ الْحَمَىٰ يُوشِكُ أَنْ يَقُعَ فِيهِ } وفي رواية { مَنْ رَتَعَ حَوْلَ الْحَمَىٰ يُوشِكُ أَنْ يَقُعَ فِيهِ } والمستمتع بالفخذ يحوم حول الحمى ويرتئ حواله فيوشك أن يقع فيه دل أن الاستمتاع به سبب الوقوع في الحرام . وسبب الحرام حرام أصله الخلوة بالتجنّي (وأما) الآية الكريمة فحجة عليه لأن ما حول الفرج لا يخلو عن الذى عادة فكان الاستمتاع به استعمال الذى وقول سيدتنا عائشة رضي الله عنها له ما سوى ذلك أي مع الازار فحمل على هذا توقيفاً بين الدلائل صيانتها عن التناقض وكذلك المرأة يحل لها النظر إلى زوجها والمس من فرقه إلى قدمه لاته حل لها ما هو أكثر من ذلك وهو التمكين من الوطء فهذا أولى ويحل النظر إلى عين فرج المرأة المكروحة لأن الاستمتاع به حال فالنظر إليه أولى إلا أن الأدب عض البصر عنه من الجانيين لما روی عن سيدتنا عائشة رضي الله عنها أنها قالت قبض رسول الله صلى الله عليه وسلم وما نظرت إلى ما منه ولا نظر إلى ما مني ولها يحل إثبات الزوجة في ذبرها لأن الله تعالى عز شأنه نهى عن قربان الحاضر وبته على المعنى وهو كون

المحيض أذى والذى في ذلك المحل أفحش وأذم فكان أولى بالحرام وروي عن سيدنا على رضي الله عنه أن رسول الله صلى الله عليه وسلم قال { مَنْ أَتَى حَانِصاً أَوْ امْرَأَةً فِي ذِبْرِهَا أَوْ أَتَى كَاهِنَةً فَصَدَّقَهُ فِيمَا يَقُولُ فَهُوَ كَافِرٌ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ } { نَهَا عَنِ اثْيَانِ النِّسَاءِ فِي مَحَاشِيْهِنَّ } أي أدبارهن . وعلى ذلك جاءت الآثار من الصحابة الكرام رضي الله تعالى عنهم أنها سميت الوطية الصغرى وإن حل الاستمتاع في الدنيا لا يثبت لحق قضاء الشهورات خاصة لأن لقضاء الشهورات خاصة دارا أخرى وإنما يثبت لحق قضاء الحاجات وهي حاجة بقاء النسل إلى انتفاضة الدنيا إلا أنه ركب الشهورات في البشر للبعث على قضاء الحاجات وحاجة النسل لا تحتمل الوقوع في الأدبار فلو ثبت الحل ثبت لحق قضاء الشهورة خاصة والدنيا لم تخلق له .

كتاب النكاح

باب الحائض ما يحل لزوجها منها .

حدَّثَنَا أَبُو بَكْرَةُ، قَالَ: أَخْبَرَنَا شَعْبَةُ، عَنْ مُنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: {كَانَ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُ إِحْدَانَا أَنْ تَنْزَرَ وَهِيَ حَائِضٌ، ثُمَّ يُضَاجِعُهَا} . قَالَ شَعْبَةُ: وَقَالَ مَرْأَةً: يُبَاشِرُهَا . حَدَّثَنَا عَلَيْهِ بْنُ مَعْبُودٍ قَالَ: شَرِيكَةُ بْنُ عَبْدِ اللَّهِ قَالَ: شَرِيكَةُ بْنُ عَمْرُو، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: {رِبُّمَا بَاشَرَنِي النَّبِيُّ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنَا حَائِضٌ فُوقَ الْإِلَازَرِ} . حَدَّثَنَا رَبِيعُ الْمُؤْدُنَ، قَالَ: أَخْبَرَنَا أَسْدٌ، قَالَ: شَرِيكَةُ بْنُ عَمْرُو بْنِ يُوسُفَ، قَالَ: شَرِيكَةُ بْنُ عَسْبَاطٍ، عَنْ أَبِي إِسْحَاقِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَّادَ، عَنْ مَيْمُونَةَ قَالَتْ: {كَانَ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ يُبَاشِرُ نِسَاءَهُ فُوقَ الْإِلَازَرِ، وَهُنَّ حَيْضٌ} . حَدَّثَنَا يُوسُفُ، قَالَ: أَخْبَرَنَا أَبْنَ وَهْبٍ، قَالَ: أَخْبَرَنِي يُوسُفُ وَاللَّيْثُ، عَنْ أَبْنِ شَهَابٍ، عَنْ حَيْبِ مَوْلَى عُرْوَةَ بْنِ الْزَّبِيرِ، عَنْ نَدْبَةِ، قَالَ أَبْنُ وَهْبٍ: إِنَّ الَّتِي يَقُولُ بُدْيَةً مَوْلَاهُ مَيْمُونَةً، عَنْ مَيْمُونَةَ زَوْجِ النَّبِيِّ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ: {كَانَ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ يُبَاشِرُ الْمَرْأَةَ مِنْ نِسَائِهِ، وَهِيَ حَائِضٌ، إِذَا كَانَ عَلَيْهَا إِلَازَرٌ يَبْلُغُ أَنْصَافَ الْفَدَيْنِ أَوِ الرَّكْبَتَيْنِ} ، وَفِي حَدِيثِ الْلَّيْثِ (مُحْتَاجَةً إِلَيْهِ) . حَدَّثَنَا رَبِيعُ الْمُؤْدُنَ، قَالَ: شَرِيكَةُ بْنُ عَمْرُو، فَذَكَرَ مِثْلَ مَا ذَكَرَ أَبْنَ وَهْبٍ عَنِ الْلَّيْثِ، سَوَاءً قَالَ أَبُو جَعْفَرٍ: فَذَهَبَ قَوْمٌ إِلَى أَنَّ الْحَائِضَ لَا يَتَبَغِي لِزَوْجِهَا أَنْ يُجَامِعَهَا إِلَى ذَكْرِهِ، وَلَا يَطْلَعَ مِنْهَا عَلَى عَوْرَةٍ . وَأَخْتَجَوْا فِي ذَكْرِ يَقْعُلِ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ الَّذِي ذَكَرْنَا، وَمَمْنَ قَالَ يَهُ أَبُو حَيْفَةَ رَحْمَةَ اللَّهِ عَلَيْهِ . وَأَخْتَجَوْا فِي ذَكْرِ أَيْضًا بِمَا رَوَى مِنْ قَوْلِ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَإِنَّهُ حَدَّثَنَا إِبْرَاهِيمَ بْنَ أَبِي دَاؤِدَ، قَالَ: شَرِيكَةُ بْنُ الْجَعْدِ، قَالَ: أَخْبَرَنَا زَهِيرُ بْنِ مَعَاوِيَةَ، عَنْ أَبِي إِسْحَاقِ، عَنْ عَاصِمِ بْنِ عَمْرُو الشَّامِيِّ، عَنْ أَحَدِ التَّقْرِيرَيْنِ أَتَوْا عَمْرُ بْنِ الْخَطَابَ وَكَانُوا ثَلَاثَةٍ، فَسَأَلُوهُ: مَا لِلرَّجُلِ مِنْ امْرَاتِهِ إِذَا أَحْدَثَ ؟ يَعْنُونَ الْحَيْضَ . فَقَالَ: سَأَلَتْهُنِي عَنْ شَيْءٍ، مَا سَأَلَتِي عَنْهُ أَحَدٌ مِنْ سَالَتْهُ عَنْهُ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: لَهُ مِنْهَا مَا فُوقَ الْإِلَازَرِ، مِنَ التَّقْبِيلِ وَالضَّمِّ، وَلَا يَطْلَعَ عَلَى مَا تَحْتَهُ} . حَدَّثَنَا فَهْدٌ، قَالَ: شَرِيكَةُ بْنُ خَسَانَ، قَالَ: شَرِيكَةُ بْنِ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقِ، عَنْ عَاصِمِ بْنِ عَمْرُو الْجَلِيِّ، أَنَّ قَوْمًا أَتَوْا عَمْرُ بْنِ الْخَطَابَ فَسَأَلُوهُ، ثُمَّ ذَكَرَ مِثْلَهُ . حَدَّثَنَا أَبُو بَكْرَةُ، قَالَ: شَرِيكَةُ بْنُ مَعْبُودٍ، قَالَ: شَرِيكَةُ بْنِ عَاصِمِ بْنِ عَمْرُو الْجَلِيِّ، أَنَّ قَوْمًا أَتَوْا عَمْرُ، ثُمَّ ذَكَرَ مِثْلَهُ . حَدَّثَنَا فَهْدٌ، قَالَ: أَخْبَرَنَا عَلَيْهِ بَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو، عَنْ زَيْدِ بْنِ أَبِي أَنْبَسَةَ، عَنْ أَبِي إِسْحَاقِ، عَنْ أَبِنْ عَمْرُو، عَنْ عَمِيرٍ، مَوْلَى لَعْرَ، عَنْ عَمَرَ مِثْلَهُ . وَخَالَفُهُمْ فِي ذَكْرِ الْأَخْرَوْنَ، فَقَالُوا: لَا يَأْتِي إِلَيْهِ مَا فُوقَ الْإِلَازَرِ مِنْهَا، وَمَا تَحْتَ الْإِلَازَرِ إِذَا اجْتَبَ مَوَاضِعَ الدَّمِ . وَقَالُوا: أَمَا مَا ذَكَرْنَاهُمْ مِنْ قَوْلِ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: لَهُ مِنْهَا مَا فُوقَ الْإِلَازَرِ وَمَا تَحْتَهُ، إِذَا اجْتَبَ مَوَاضِعَ الدَّمِ، كَمَا لَهُ أَنْ يَقْعُلَ ذَلِكَ قَبْلَ حُدُوثِ الْحَيْضِ . وَإِنَّمَا ذَكَرَ الْحَدِيثَ، حُجَّةٌ عَلَى مَنْ أَنْكَرَ أَنَّ لِزَوْجِ الْحَائِضِ مِنْهَا، مَا فُوقَ الْإِلَازَرِ . فَلَمَّا مَرَأَ ذَلِكَ لَهُ، فَإِنَّهُ ذَكَرَ حُجَّةً عَلَيْهِ، وَعَلَيْكُمُ الْبَرْهَانُ بَعْدَ، لَقُولُكُمْ: أَتَهُ لَيْسَ لَهُ مِنْهَا إِلَى ذَلِكَ . فَقَدْ رَوَى عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا فِي هَذَا، عَنِ النَّبِيِّ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ، مَا يُوَافِقُ مَا ذَهَبْنَا إِلَيْهِ تَحْنُنَ، وَيُخَالِفُ مَا ذَهَبْنَاهُ إِلَيْهِ، وَهِيَ أَحَدُ مَنْ رَوَيْتُمْ عَنْهَا، مَمَّا كَانَ يَقْعُلُ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ بِنِسَائِهِ إِذَا حَضَنَ، مَا ذَكَرْنَاهُمْ مِنْ ذَلِكَ . حَدَّثَنَا فَهْدٌ، قَالَ: شَرِيكَةُ بْنُ يُوسُفَ، قَالَ: شَرِيكَةُ بْنُ زَهِيرٍ، قَالَ: شَرِيكَةُ بْنُ عَاصِمَةَ، عَنْ أَبِي مَيْسَرَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ، يُبَاشِرُهُنِي وَأَنَا فِي شَعْرَ وَاحِدٍ، وَأَنَا حَائِضٌ، وَلَكِنَّهُ كَانَ أَمْكَنَكُمْ لَأَرَيْهِ، أَوْ أَمْلَكَ لَأَرَيْهِ} . فَهَدَا عَلَى أَنَّهُ كَانَ يُبَاشِرُهُنِي فِي إِلَازَرٍ وَاحِدٍ، فَقِي ذَكْرِ إِلَازَرٍ مَا تَحْتَ إِلَازَرٍ . فَلَمَّا جَاءَهُ ذَلِكَ عَنْهَا، وَقَدْ جَاءَ عَنْهَا أَنَّهُ كَانَ يَأْمُرُهُنِي أَنْ تَنْزَرَ ثُمَّ يُبَاشِرُهُنِي، كَانَ هَذَا - عَنْهَا - عَلَى أَنَّهُ كَانَ يَقْعُلُ هَذِهِ مَرَةً، وَهَكَذَا مَرَةً، وَفِي ذَكْرِ إِلَاهَ الْمَعْبِينِ جَمِيعًا . وَقَدْ رَوَى عَنْ رَسُولِ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلَّذِينَ ذَكَرْنَا . حَدَّثَنَا مُحَمَّدُ بْنُ حُزَيْمَةَ، قَالَ: شَرِيكَةُ بْنُ أَبْو الْوَلِيدِ صَحَّحَنَا عَلَيْهِ حَدِيثَيْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، لِلَّذِينَ ذَكَرْنَا . حَدَّثَنَا مُحَمَّدُ بْنُ حُزَيْمَةَ، قَالَ: شَرِيكَةُ بْنُ طَبَّالِسَيِّ، قَالَ: شَرِيكَةُ بْنُ سَلَمَةَ، عَنْ ثَابِتٍ، عَنْ أَسْسَ {أَنَّ الْمَهْوُدَ كَانُوا لَا يَأْكُلُونَ، وَلَا يَسْرُبُونَ، وَلَا يَقْعُدُونَ مَعَ الْحَيْضِ فِي بَيْتٍ . فَذَكَرَ ذَكْرَ النَّبِيِّ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ {وَيَسْأَلُونَكَ عَنِ الْمَحِيدِ} قَلْ هُوَ أَدَى قَاعِدُلُوا النِّسَاءَ فِي الْمَحِيدِ} . فَقَالَ رَسُولُ اللَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ اصْنُعُوا كُلَّ شَيْءٍ، مَا خَلَّ الْجَمَاعَ} . فَفِي هَذَا الْحَدِيثِ، أَنَّهُمْ كَانُوا قَدْ أَبْيَحُوا مِنَ الْحَائِضِ كُلَّ شَيْءٍ مِنْهَا، غَيْرَ جَمَاعَهَا خَاصَّةً، وَذَلِكَ عَلَى جَمَاعِ الْفَرْجِ دُونَ مَا سَوَاهُ . وَقَدْ رَوَى هَذَا الْفَوْلُ بَعْيَنِهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا . حَدَّثَنَا أَبُنُ أَبِي دَاؤِدَ، قَالَ: شَرِيكَةُ بْنُ خَالِدٍ، قَالَ: شَرِيكَةُ بْنُ عَمْرُو، عَنْ أَيُوبَ، عَنْ أَبِي قَلَبَةَ أَنَّ رَجْلًا سَأَلَ عَائِشَةَ (مَا يَحْلُ لِلرَّجُلِ مِنْ امْرَاتِهِ إِذَا كَانَتْ حَائِضًا ؟) فَقَالَتْ (كُلُّ شَيْءٍ إِلَّا فَرَجَهَا) . حَدَّثَنَا أَبُنُ أَبِي دَاؤِدَ، قَالَ:

أَخْبَرَنَا عَمْرُو بْنُ خَالِدٍ، قَالَ: ثَنَا عَبْدُ اللَّهِ، عَنْ أُبُو بَرَّ، عَنْ أَبِي مَعْشَرَ عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقَ، عَنْ عَائِشَةَ، مِثْلَ ذَلِكَ . حَدَّثَنَا رَبِيعُ الْمُؤْدَنُ، قَالَ: ثَنَا شَعْيْبُ بْنُ الْلَّيْثَ، قَالَ: ثَنَا الْلَّيْثُ، عَنْ بُكَيْرٍ، عَنْ أَبِي مَرَّةَ، مَوْلَى عَقِيلٍ، عَنْ حَكِيمِ بْنِ عِقَالٍ، قَالَ: سَأَلْتُ عَائِشَةَ (مَا يَحْرُمُ عَلَيَّ مِنْ امْرَأَيْ إِذَا حَاضَتْ؟) قَالَتْ: فَرِجْهَا . فَهَذَا وَجْهٌ هَذَا الْبَابُ مِنْ طَرِيقِ تَصْحِيفِ مَعَانِي الْأَثَارِ . وَأَمَّا وَجْهُهُ مِنْ طَرِيقِ النَّظَرِ، فَإِنَّا رَأَيْنَا الْمَرْأَةَ قَبْلَ أَنْ تَحِيَضَ، لِزَوْجِهَا أَنْ يُجَامِعَهَا فِي فَرِجْهَا، وَلَهُ مِنْهَا مَا فَوْقَ الْبَلَارِ، وَمَا تَحْتَ الْبَلَارِ أَيْضًا . ثُمَّ إِذَا حَاضَتْ، حَرَمَ عَلَيْهِ الْجَمَاعُ فِي فَرِجْهَا، وَحَلَّ لَهُ مِنْهَا، مَا فَوْقَ الْبَلَارِ بِاتِّفَاقِهِمْ . وَاحْتَلَفُوا فِيمَا تَحْتَ الْبَلَارِ عَلَى مَا ذَكَرْنَا، فَابْحَاثَهُ بَعْضُهُمْ، فَجَعَلَ حُكْمَهُ حُكْمَ مَا فَوْقَ الْبَلَارِ، وَمَنْعَ مِنْهُ بَعْضُهُمْ فَجَعَلَ حُكْمَهُ حُكْمَ الْجَمَاعِ فِي الْفَرَجِ . فَلَمَّا احْتَلَفُوا فِي ذَلِكَ، وَجَبَ النَّظَرُ، لِتَعْلَمَ أَيُّ الْوَجْهَيْنِ هُوَ أَشَبُهُ بِهِ، فَيُحْكِمُ لَهُ بِحُكْمِهِ؟ . فَرَأَيْنَا الْجَمَاعَ فِي الْفَرَجِ، يُوَجِّبُ الْحَدَّ وَالْمَهْرَ وَالْعُسْلَ، وَرَأَيْنَا الْجَمَاعَ فِيمَا سَوَى الْفَرَجِ لَا يُوَجِّبُ مِنْ ذَلِكَ شَيْئًا وَيُسْتَوِي فِي ذَلِكَ حُكْمُ مَا فَوْقَ الْبَلَارِ، وَمَا تَحْتَ الْبَلَارِ . فَتَبَثَّتْ بِمَا ذَكَرْنَا أَنَّ حُكْمَ مَا تَحْتَ الْبَلَارِ أَشَبُهُ بِمَا فَوْقَ الْبَلَارِ مِنْهُ بِالْجَمَاعِ فِي الْفَرَجِ . فَالنَّظَرُ عَلَى ذَلِكَ أَنْ يَكُونَ ذَكِيرَهُ هُوَ فِي حُكْمِ الْحَائِضِ، فَيُكَوِّنُ حُكْمَهُ حُكْمَ الْجَمَاعِ فَوْقَ الْبَلَارِ، لَا حُكْمَ الْجَمَاعِ فِي الْفَرَجِ . وَهَذَا قَوْلُ مُحَمَّدَ بْنِ الْحَسَنِ رَحْمَةُ اللَّهِ عَلَيْهِ، وَبِهِ نَاخْذُ . قَالَ أَبُو جَعْفَرٍ رَضِيَ اللَّهُ عَنْهُ: ثُمَّ نَظَرْتُ بَعْدَ ذَلِكَ فِي هَذَا الْبَابِ، وَفِي تَصْحِيفِ الْأَثَارِ فِيهِ، فَإِذَا هِيَ تَنَلَّ عَلَى مَا ذَهَبَ إِلَيْهِ أَبُو حَنْفَيْةَ رَحْمَةُ اللَّهِ عَلَيْهِ، لَا عَلَى مَا ذَهَبَ إِلَيْهِ مُحَمَّدٌ . وَذَلِكَ أَنَا وَجَدْنَاهَا عَلَى ثَلَاثَةِ أُنْوَاعٍ: فَقَوْعُ مِنْهَا مَا رَوَى {عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ كَانَ يُبَاشِرُ نِسَاءَهُ وَهُنَّ حَيَّضٌ، فَوْقَ الْبَلَارِ}، فَلَمْ يَكُنْ فِي ذَلِكَ دَلِيلٌ عَلَى مَنْعِ الْمَحِيْضِ مِنَ الْمُبَاشَرَةِ تَحْتَ الْبَلَارِ، لِمَا قَدْ ذَكَرْنَاهُ فِي مَوْضِعِهِ مِنْ هَذَا الْبَابِ . وَتَوْعِيْخُ أَخْرِ مِنْهَا، وَهُوَ مَا رَوَى عُمَرُ، عَنْ عُمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، عَلَى مَا ذَكَرْنَاهُ فِي مَوْضِعِهِ . فَكَانَ فِي ذَلِكَ دَلِيلٌ عَلَى الْمَنْعِ مِنْ جَمَاعِ الْحَيَّضِ تَحْتَ الْبَلَارِ، لَأَنَّ مَا فِيهِ مِنْ كَلَامِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَذَكْرُهُ مَا فَوْقَ الْبَلَارِ، فَإِنَّمَا هُوَ جَوَابٌ لِسُؤَالِ عُمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ إِيَّاهُ {مَا لِلرَّجُلِ مِنْ أَمْرَأَتِهِ إِذَا كَانَتْ حَائِضًا؟} فَقَالَ لَهُ مَا فَوْقَ الْبَلَارِ} فَكَانَ ذَلِكَ جَوَابُ سُؤَالِهِ، لَا تُفَسِّرَنَّ فِيهِ وَلَا تُقْسِيْرَنَّ . وَتَوْعِيْخُ أَخْرِ مَا هُوَ، مَا رَوَى عَنْ أَنْسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَلَى مَا قَدْ ذَكَرْنَاهُ عَنْهُ، فَذَلِكَ مُبِيْحٌ لِتَائِبَيْنِ الْحَيَّضِ دُونَ الْفَرَجِ، وَإِنَّ كَانَ تَحْتَ الْبَلَارِ . فَأَرَدْنَا أَنْ نَتَنَزَّلَ أَيُّ هَذِينَ التَّوْعِيْنِ ثَلَاثَةَ عَنْ صَاحِبِهِ، فَتَجْعَلَهُ تَاسِخًا لَهُ؟ فَقَطَرْنَا فِي ذَلِكَ، فَإِذَا حَدِيثَ أَنَّسٍ، فِيهِ أَخْبَارٌ عَمَّا كَانَتْ يَهُودَةً عَلَيْهِ، وَقَدْ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُحِبُّ مُوَافِقَةَ أَهْلِ الْكِتَابِ فِيمَا لَمْ يُؤْمِنْ فِيهِ بِخَلَافِهِمْ، قَدْ رَوَيْنَا ذَلِكَ، عَنْ أَبِي عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، فِي كِتَابِ (الْجَنَانِزِ) وَكَذَّاكَ أَمْرَهُ اللَّهُ تَعَالَى فِي قَوْلِهِ {أَوْلَئِكَ الَّذِينَ هُدُوا فَبِهِدَاهُمْ أَفْتَدُهُمْ} {فَكَانَ عَلَيْهِ اتِّبَاعُ مِنْ تَقْدِيمِهِ مِنَ الْأَنْبِيَاءِ حَتَّى يَحْدُثَ لَهُ شَرِيعَةٌ تَسْخَعُ شَرِيعَتَهُ . فَكَانَ الَّذِي نَسَخَ مَا كَانَتْ يَهُودَةً عَلَيْهِ، مِنْ اجْتِنَابِ كَلَامِ الْحَائِضِ وَمُوَاكِلَتِهَا وَالْجَمِيعَ مَعَهَا فِي بَيْتِهِ، هُوَ مَا هُوَ فِي حَدِيثِ أَنَّسٍ رَضِيَ اللَّهُ عَنْهُ، لَا وَاسْطَةَ بَيْنَهُمَا . فَقَدْ حَدِيثَ أَنَّسٍ رَضِيَ اللَّهُ عَنْهُ هَذَا، إِبَاحَةُ جَمَاعِهَا فِيمَا دُونَ الْفَرَجِ . وَكَانَ الَّذِي فِي حَدِيثِ أَنَّسٍ رَضِيَ اللَّهُ عَنْهُ، الْإِبَاحَةُ لِمَا فَوْقَ الْبَلَارِ، وَالْمَنْعُ مَا تَحْتَ الْبَلَارِ . فَأَسْسَخَنَ أَنْ يَكُونَ ذَلِكَ مُتَقَدِّمًا لِحَدِيثِ أَنَّسٍ رَضِيَ اللَّهُ عَنْهُ إِذَا كَانَ حَدِيثُ أَنَّسٍ رَضِيَ اللَّهُ عَنْهُ هُوَ النَّاسِخُ، لِاجْتِنَابِ الْجَمِيعَ مَعَ الْحَائِضِ، وَمُوَاكِلَتِهَا وَمَشَارِبِهَا . فَتَبَثَّتْ: أَلَّا مَنَّا خَرَّ عَنْهُ، وَتَنَسَّخَ لِبَعْضِ الَّذِي أَبْيَحَ فِيهِ . فَتَبَثَّتْ بِذَلِكَ مَا ذَهَبَ إِلَيْهِ أَبُو حَنْفَيْةَ رَحْمَةُ اللَّهِ عَلَيْهِ مِنْ هَذَا، بِتَصْحِيفِ الْأَثَارِ، وَأَنْتَفَى مَا ذَهَبَ إِلَيْهِ مُحَمَّدٌ رَحْمَةُ اللَّهِ عَلَيْهِ

The above needs to be translated. I don't have time now

4. Can I have romance/intimacy with my wife while she is in the state of impurity (menses and after child birth [Nifaas])?

Answer:

Praise be to Allaah.

A man can be intimate with his wife when she is menstruating or in nifaas. This falls into three categories:

1 – Being intimate and having intercourse with her in the vagina. This is haraam according to the consensus of the Muslims and the text of the Qur'aan. Allaah says (interpretation of the meaning):

"They ask you concerning menstruation. Say: that is an Adha (a harmful thing for a husband to have a **sexual** intercourse with his wife while she is having her menses), therefore, keep away from women during menses and go not unto them till they are purified (from menses

and have taken a bath)"
 [al-Baqarah 2:222]

2 – Being intimate by kissing, embracing, touching etc. parts that are above the navel and below the knee. This is permissible according to scholarly consensus.

See *Sharh Muslim* by al-Nawawi, and *al-Mughni*, 1/414

3 – Being intimate with regard to the area between the navel and the knee, apart from the front or back passage. The scholars differed as to whether this is permissible. Imam Abu Haneefah, Imam Maalik and al-Shaafa'i were of the view that this is haraam, and Imam Ahmad was of the view that this is permissible; the latter view was also shared by some Hanafis, Maalikis and Shaafa'iis. Al-Nawawi said: The evidence for this view is stronger and it is the preferred view.

Those who say that it is permissible quoted evidence from the Qur'aan and Sunnah.

With regard to Qur'aanic evidence, they quoted the verse mentioned above (interpretation of the meaning):

"...therefore, keep away from women during menses and go not unto them till they are purified (from menses and have taken a bath)"

[al-Baqarah 2:222]

The phrase *fil-maheed* (translated as during menses) refers to both the time of menstruation and the site of menstruation, which is the vagina. So long as the woman is menstruating, having intercourse with her in the vagina is haraam.

Ibn Qudaamah said in *al-Mughni*, 1/415:

The fact that the site of bleeding is mentioned specifically indicates that it is permissible to be intimate in other areas.

With regard to the Sunnah, Muslim (302) narrated from Anas that the Jews, if any of their women was menstruating, would not eat with them or meet with them in their houses. The companions of the Prophet (peace and blessings of Allaah be upon him) asked the Prophet (peace and blessings of Allaah be upon him) about that, then Allaah revealed the verse (interpretation of the meaning):

"They ask you concerning menstruation. Say: that is an Adha (a harmful thing for a husband to have a **sexual** intercourse with his wife while she is having her menses), therefore, keep away from women during menses and go not unto them till they are purified (from menses and have taken a bath). And when they have purified themselves, then go in unto them as Allaah has ordained for you (go in unto them in any manner as long as it is in their vagina). Truly, Allaah loves those who turn unto Him in repentance and loves those who purify themselves"

[al-Baqarah 2:222]

The Messenger of Allaah (peace and blessings of Allaah be upon him) said: "So do everything except intercourse." News of that reached the Jews and they said, "What does this man want? He does not leave any of our affairs but he differs from it!"

What is meant by "they would not meet with them in their houses" is that they would not mix with them or stay in the same room with them. This was the view of al-Nawawi.

Abu Dawood (272) narrated from 'Ikrimah from one of the wives of the Prophet (peace and blessings of Allaah be upon him) that when the Prophet (peace and blessings of Allaah be upon him) wanted to engage in any intimacy with one of his wives when she was menstruating, he would put a piece of cloth over her private part. Al-Haafiz said: its isnaad is qawiy (strong); it was classed as saheeh by al-Albaani in *Saheeh Abi Dawood*, 242.

It says in *Fataawa al-Lajnah al-Daa'imah*, 5/395:

It is haraam for the husband to have intercourse with his wife in her vagina when she is menstruating, but he may be intimate with her everywhere else.

It is better for the man, if he wants to be intimate with his wife when she is menstruating, to tell her to wear something to cover her between the navel and the knees, then he may be intimate with her in any other area.

Al-Bukhaari (302) and Muslim (2293) narrated that 'Aa'ishah said: "If one of us was menstruating and the Messenger of Allaah (peace and blessings of Allaah be upon him) wanted to be intimate with her, he would tell her to wear an izaar (waist wrapper) at the peak of her menstruation, then he would be intimate with her."

Muslim (294) narrated that Maymoonah said: The Messenger of Allaah (peace and blessings of Allaah be upon him) would be intimate with his wives above the izaar (waist wrapper) when they were menstruating.

"The peak of her menstruation" means at the beginning when the flow is heaviest. This was the view of al-Khattaabee.

Ibn al-Qayyim said in *Tahdheeb al-Sunan*, commenting on hadeeth no. 2167 from 'Awn al-Ma'bood:

The hadeeth "Do everything except intercourse" clearly indicates that what is forbidden is only intercourse in the site of menstruation, which is intercourse in the vagina, but everything else is permissible. The hadeeth which speak about the izaar (waist wrapper) do not contradict that, because that is a precautionary measure and is better.

It may be that a distinction is made between the beginning of the period and the end, so that it is mustahabb to cover the area between the navel and the knee when the bleeding is heaviest, which is at the beginning of the period.

Al-Haafiz said:

This is supported by the hadeeth narrated by Ibn Maajah with a hasan isnaad from Umm Salamah, that the Prophet (peace and blessings of Allaah be upon him) would avoid intimacy with her for three (days), then he would be intimate with her after that.

Note:

The rulings mentioned above apply to both menstruating women and women in nifaas (bleeding after childbirth).

Ibn Qudaamah (may Allaah have mercy on him) said, after mentioning the rulings on a man being intimate with his wife when she is menstruating:

The woman in nifaas is like the woman who is menstruating in this regard.

Al-Mughni, 1/419.

And Allaah knows best.

Islam Q&A

5. A fatwa from Al-Azhar regarding sex during menstruation

الكتاب : فتاوى دار الإفتاء لمدة مائة عام
الباب : من أحكام الممنوعات والمباحات .

الموضوع (1099) الجماع في النفاس .

المفتى : فضيلة الشيخ أحمد هريدى .

5 يوليه 1972 م .

المبادئ :

- 1- مجامعة الرجل امرأته وهي نساء محرم شرعا .
- 2- جمهور الفقهاء على أنه يستغفر الله ولا شيء عليه من الصدقة أو غيرها .

سئل : من السيد .

بطلبه المتضمن أنه كان يرقد بالمستشفى لإجراء عملية جراحية في خصيته، ولما خرج منها وذهب إلى منزله وكانت زوجته قد وضعت ولم تزل نساء، ولم يمض على وضعها أكثر من واحد وعشرين يوما . وتبعد لرغبتها الجامحة فقد جامع امرأته وهي ما تزال في مدة النفاس . وبعد أن أفاق وجد أنه وقع في المحرم . وبدأ ضميره يوئي إلزاته هذه الفعلة الشنعاء . وطلب السائل الإفادة عن الحكم الشرعي .

أجاب : يحرم على الرجل أن يجامع امرأته النساء في الفرج وما دونه، لأن دم النفاس أذى يجب اعزال النكاح في مدة .

فإذا جامع الرجل امرأته وهي نساء في مدة النفاس فإنه يكون آثما .

وجمهور الفقهاء على أنه يستغفر الله ولا شيء عليه من الصدقة أو غيرها . ومن ثم فعل السائل أن يتوب إلى الله ويستغفره ويندم على ارتكابه هذا الفعل المحرم، ثم لا يعود إلى فعله أبداً والله غفور رحيم يقبل التوبة عن عباده ويعفو عن السيئات .

ومما ذكر يعلم الجواب عن السؤال .
والله سبحانه وتعالى أعلم .

6. Ruling on having intercourse with a menstruating woman whilst wearing a condom

Question:

I know that its not permissible having intercourse with a women during menses. It is medically proved that these liquids discharge from the virgina of the women is harmful to men. However, is it permissible if he wears a condom or if she wears a

women's condom?

Answer:

Praise be to Allaah.

It is not permissible for the husband to have intercourse with his wife when she is menstruating, because Allaah says (interpretation of the meaning):

“They ask you concerning menstruation. Say: that is an Adha (a harmful thing for a husband to have a sexual intercourse with his wife while she is having her menses), therefore, keep away from women during menses and go not unto them till they are purified (from menses and have taken a bath). And when they have purified themselves, then go in unto them as Allaah has ordained for you (go in unto them in any manner as long as it is in their vagina). Truly, Allaah loves those who turn unto Him in repentance and loves those who purify themselves (by taking a bath and cleaning and washing thoroughly their private parts and bodies for their prayers)”

[al-Baqarah 2:222]

So it is not permissible to have intercourse with a menstruating woman until she has become pure (her menses has ended) and she has done ghusl.

There is a stern warning against having intercourse with a menstruating woman, as al-Tirmidhi (135) and Abu Dawood (3904) and Ibn Majaah (639) narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: “Whoever has intercourse with a menstruating woman, or with a woman in her back passage, or who goes to a fortuneteller and believes what he says, has disbelieved in that which was revealed to Muhammad.” Classed as saheeh by al-Albaani in *Saheeh al-Tirmidhi*.

The husband may enjoy intimacy with his menstruating wife in ways other than intercourse. See the answer to question no. [36722](#).

Secondly:

Allaah has enjoined keeping away from menstruating women, i.e., not having intercourse with them until they become pure (the menses ends) and they have done ghusl. So one must obey that and it is haraam to have intercourse with her even if one is wearing a condom, because the one who has intercourse whilst wearing a condom is still having intercourse, and if he has intercourse with his wife whilst she is menstruating, he falls into sin and disobedience.

Hence the fuqaha' (may Allaah have mercy on them) stated that it is haraam to have intercourse with a menstruating woman even if that is with a barrier.

It says in *Asna 'l-Mataalib* (1/100) and also in *Tuhfat al-Muhtaaj* (1/390), which are both Shaafa'i books:

Similarly it is haraam to have intercourse with her (i.e. the menstruating woman) in her vagina even with a barrier. End quote.

It says in *Kashshaaf al-Qinaa'* (1/201) and also in *al-Furoo'* (1/262), which are Hanbali books: Even if intercourse is with a barrier that he wraps around his penis or a bag into which he inserts it. End quote.

Thirdly:

As well as being haraam, intercourse at the time of menses is also harmful to both the man and the woman. The doctors have listed a number of diseases that may be caused for both the man and the woman as a result of this:

- 1- It may cause the woman to bleed heavily
- 2- Intercourse during menses leads to the introduction of germs into the uterus, which may be more susceptible to infection at the time of menses
- 3- There is a recent study which speaks of the relationship between the incidence of cervical cancer and frequent intercourse at the time of menses.

See also the answer to question no. [43028](#).

This is the reason behind the prohibition, and there may be other reasons behind it, such as it being a test for the one who is accountable, to see to what extent he will obey and how righteous he is, and how he will refrain from that which Allaah has forbidden.

And Allaah knows best.

Islam Q&A

7. The Hanafi view relative to sex during menstruation

المبسوط للسرخسي الحنفي كتاب الإستحسان : جماع الحائض في الفرج

فاما جماع الحائض في الفرج حرام بالنص يعذر مسحه ويغسل مباشره لقوله تعالى { فاعذرلوا النساء في المحيض } وفي قوله تعالى { ولا تقربوهن حتى يطهرن } دليل على أن الحرماء شندة إلى الطهور وقال صلى الله عليه وسلم { من أتى امرأة في غير مأثاها أو أثاها في حالة الحيض أو أتى كاهنا فصدقه بما يقول فقد كفر بما أنزل الله على محمد صلى الله عليه وسلم } ولكننا نلزمهم بالوطء سوى التوبه والاستغفار ومن العلماء من يقول : إن وطئها في أول الحيض فعليه أن يتصدق بيذنار وإن وطئها في آخر الحيض فعليه أن يتصدق بصدق بيذنار وروى فيه حديثاً ولكن الكفرة لا تثبت بمنته . (وجحثنا) في ذلك ما روی أن رجلا جاء إلى الصدّيق رضي الله عنه وقال : إني رأيتك في المنام كأبي أبُول دما فقال : أصدقني قال : نعم قال : إنك تأتي امرأتك في حالة الحيض فاعترف بذلك فقال أبو بكر رضي الله عنه : استغفر الله ولا تدع ولم يلزمها الكفاره وأختلفوا فيما سوى الجماع فقال أبو حنيفة رحمة الله تعالى : له أن يستمتع بما فوق المذنر وليس له ما تحته وقال محمد رحمة الله تعالى : يجتنب شعاع الدم والله ما سوى ذلك وهو رواية الحسن عن أبي حنيفة رحمة الله تعالى وذكر الطحطاوي قول أبي يوسف مع أبي حنيفة رحمة الله تعالى وذكره الكرخي مع محمد رحمة الله تعالى وجده الاستدلال بقوله تعالى { قل هو أذى } فيه بيان أن الحرماء لمعنى استعمال الأذى وذلك في محل مخصوص وروي في الكتاب عن الصلت بن بيذنار عن معاوية بن فرزة رضي الله عنهم قال سالت عاشرة رضي

الله عنها ما يحل للرجل من امرأته وهي حاضر قالت : يتجه شعاع الدم وكله ما سوى ذلك وفي حديث آخر عن عائشة رضي الله عنها قالت : يحل للرجل من امرأته الحائض كل شيء إلا النكاح يعني الجماع والمعنى فيه أن ملوك الحل باق في زمان الحيض وحرمة الفعل لمعنى استعمال الذي فعل لا يكون فيه استعمال الذي فهو حلال مطلق كما كان قبل الحيض وقاسه بالاستمتاع فوق المتنز وحجة أبي حنيفة رحمة الله قوله تعالى { فاعتلوا النساء في المحيض } فظاهره يقتضي تحرير الاستمتاع بكل عضو منها فما اتفق عليه الآثار صار مخصوصا من هذا الظاهر وبقي ما سواه على الظاهر . وروي { أن وقد سألا عمر رضي الله عنه عما يحل للرجل من امرأته الحائض وعن قراءة القرآن في البيوت وعن الاعتسال من الجتابة فقال : أسرحة ائم لقدر سائله سأله رسول الله صلى الله عليه وسلم فقال : للرجل من امرأته ما فوق المتنز وليس له ما تتحمه وقراءة القرآن نور فتور بيتك ما استطعت وذكر الاعتسال من الجتابة } وفي حديث { أم سلمة رضي الله عنها قال : كنت في فراش رسول الله صلى الله عليه وسلم فحضرت فانسللت من الفراش فقال مالك أفسنت فلت : نعم قال : انترني وعودي إلى مصبعك فقلت فعاتقني طول الليل } والمعنى فيه أن الاستمتاع في موضع الفرج محرم عليه وإذا قرب من ذلك الموضع فلما يامن على نفسه أن ي الواقع الحرام فليجتنب من ذلك بالاكتفاء بما فوق المتنز وكان هذا نوع احتياط ذهب إليه أبو حنيفة رحمة الله تعالى لقوله صلى الله عليه وسلم { ألا إن لكل ملك حمى وحمى الله محرمة فمن رفع حول الحمى يوشك أن يقع فيه } ومحمد أخذ بالقياس وقال : ليس المراد بالاتزاز حقيقة الاتزاز بل المراد موضع الكرسف في ذلك الموضع وبين التأبعين اختلاف في معنى قوله عليه الصلاة والسلام ما فوق المتنز فكان إبراهيم رحمة الله تعالى يقول : المراد به الاستمتاع بالسرير وما فوقها وكان الحسن رحمة الله تعالى يقول المراد : أن يتذقا بالاتزاز ويقضى حاجته منها فيما دون الفرج فوق الاتزاز ولما يتبعي له أن يعتزل فراشها لأن ذلك تشبة بالبيهود وقد نهينا عن التشبه بهم وروي { أن ابن عباس رضي الله عنها فعل ذلك قبل ميمونة رضي الله عنها فانكرت عليه وقالت : أترغب عن سيدة رسول الله صلى الله عليه وسلم كان يضاجعنا في فراش واحد في حالة الحيض }

8. A woman's fulfilment of her sexual need during menstruation

When women are having their periods, they cannot have intercourse with their husbands until their normal Haid time is over. According to the Hanafi thought, if the woman has sexual urges and wants to relieve her sexual tension, can she rub her private parts against her husbands private parts while there is some sort of material in between the husband and wife or if the wife is wearing underwear but they are not actually having intercourse? Can the wife rub her private parts to relieve herself? What can she do if she has sexual urges while her periods? What is a woman to do?

Answer

During a woman's menstrual period, actual sexual intercourse is impermissible, as is any direct skin-to-skin contact between her navel and knees. [Ibn Abidin, Radd al-Muhtar] Everything else permissible remains permissible--such as the types of actions with her husband described in your question.

See:

Menstruation: Intercourse and sexual relations during period

http://qa.sunnipath.com/issue_view.asp?HD=1&ID=2025&CATE=117

However, self-masturbation is impermissible. Please search SunniPath Answers (<http://qa.sunnipath.com>) for related answers.

And Allah alone gives success.

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Notes by Ahmed Fazel Ebrahim

In the case when a female is in periods, she will not be allowed to relieve herself sexually by rubbing any area of her private organs or the area between her navel to her kness on her husband.

Zina

1. He is unsure if she inserted his penis in her vagina. So did he commit Zina?

He is in love with someone and is so obsessed with her and cannot take her off his mind. He proposed marriage to her many times and she refused she was married before (not any more) and her husband abused her socially and sexually. She offered him to sleep with him without marriage but he refused fearing committing haram. When asked why not, she told him because she has to test herself first if she is good enough for marriage (because of her previous husband's abuse) My friend told me she clearly was predominated by tremendous psychological forces, as she wants to prove to herself first she is fit for marriage before getting into it.

As time passed by, my friend could not resist the temptation and they met at his house, they both got naked and as he touched her private parts, he curbed himself and backed away fearing ending up having sex with her (insertion). So he got up and left and asked her to leave!

Months later, they met alone at some place, despite 100 times proposing marriage, she kept saying no, they both got naked in the heat of the moment and she grabbed his private and brought it close to her private part! As soon as he realized it, he pulled back and asked her did you insert it anywhere, she said no!

What he is not sure about that his private touched her somewhere as he was sleeping behind her in bed. Again he asked if his private was inserted in her rear or front, she said no where because he pulled back and did not let her.

I know the above sounds gross as I am grossed out myself but I promised to ask for him because he feels so guilty. Did he or did he not commit zina?

Reply

Your male friend has not committed actual zina (adultery) since he did not have sex with her and neither did he have intentions to have sex or insert his penis in her vagina or anus.

Both of them should seek repentance for sleeping naked together. Your friend has indeed brought himself close to actual adultery by placing himself in a position where he would have most likely been tempted to have sex. His mere wilful insertion of his penis head into her vagina (or anus - despite it being a Haraam act) would be sufficient to classify him as a person who made Zina.

There are different levels of Zina. I'm sure if he inserted his penis in her, he would have felt some degree of moistness or wetness around his organ. However, both of them might have got their sexual organs moist during their foreplay resultantly not allowing him to be absolutely certain whether he entered her to some degree or not.

Since he had no intention to make Zina (enter her), he should not live with the thought that he made Zina (had sex). Allah is All Forgiving, All Merciful.

Convince them to marry. Try to speak to her on his behalf. The punishment of adultery is very severe and it is very noble for your male friend to have the fear of Allah.

Ahmed Fazel Ebrahim, Johannesburg, South Africa

2. Did he commit adultery of the highest form (actual Zina) if he did not break her virginity?

A person intended to commit zina for the first time with a girl, but decided not to anymore when he found out that the girl is a virgin since he couldn't penetrate. Will he be considered as someone who has had sexual intercourse?

Reply

If the head of his penis entered her vagina, then both would have been considered to have made Zina immaterial whether her virginity broke or not.

Ahmed Fazel

3. I kissed a man and touched his genitals, and he did the same to me. What is the Kaffarah? Can I marry another person.

Allah is all forgiving all Merciful. The touching of the genitals, kissing etc was all wrong to do, but there is no Kaffarah for it. All you have to do is ask Allah to forgive you. Allah will forgive you. Don't tell anyone that he touched your genitals or that you had a feel of his genitals.

The good part is you did not have sex with him and therefore you still a virgin.

You can get married again to anyone. If any other person proposes to get married to you, you should not tell him that you kissed a man before or that you caressed another man or that you played and held the penis or genitals of someone else.

Next time do not do this. All you have to do is to ask Allah for forgiveness. Allah will forgive you.

Ustadh, Ahmed Fazel Ebrahim
Johannesburg, South Africa

4. Hadith on Allah's anger upon Zina

I have heard from a Sheikh saying that “Allah is more angered to the person who breaks the virginity of a Muslim Girl in a Haram Way / Adultery than a person who demolishes the whole Ka'abah And later on the Sheikh said that it was an authentic Hadith. If there is such a Hadith can you please give a reference to that hadith and if there is no such a hadith is there any hadith which is similar to that one

Personally, I have not heard of such a hadith. If you manage to come across the source, we would appreciate to receive the details.

There are thousands of ahadith. Most Ulama do not even personally own such sources because the Muslim community economically rapes them.

Therefore, it would be good if you invest in good Islamic literature so that you can get acquainted with the necessary information required for our daily Islamic needs.

Jazakallah

5. I committed Zina while married. I am now pregnant and want to marry the person with whom I made Zina.

My ex-husband divorced me (1 talaaq) 3 months ago. Now I want to marry again, but I'm pregnant 4 months from my future husband. I haven't been sleeping with my ex-husband for a year.

Do I have to wait to deliver the baby to marry or can I marry now?

Reply

You have to wait until you delivered your baby, then only can you marry another person

Ustadh, Ahmed Fazel

Response from questioner

Ok, but the father of the child to be born is my future husband. Will Allah forgive my sin? I have asked many many times for talaaq, before I committed adultery, but my ex-husband was very stubborn and refused to divorce me.

Second Reply

I have not heard your husband's grounds for refusing to divorce you. Nevertheless, even if he was wrong, you were totally unjustified in committing adultery while you were still married to him.

The format of getting atonement for adultery while in marriage is, in Shariah terms, to be stoned to death. Normally, there no visible evidence of the adultery (Actual sex act) remains after the conclusion of the adulterous sexual activity. In your case, your admission of what you have done and the pregnancy is evidence of the evil you have committed.

Shariah, in your case, defines stoning to death. Since you most likely are not living in an Islamic state, and would, most likely, never ever have the courage to accept to be stoned to death, you have to eternally cry to Allah for committing adultery. He alone knows whether He shall forgive you.

Ustadh, Ahmed Fazel Ebrahim

6. The consequences of Zina before marriage

I am a girl in early twenties. I was raised in a Islamic manner by my parents who are pious and god fearing. I was always god fearing too but I got into a great sin and have lost my peace of mind. I had a friend who is a guy who is equally interested in Islam, Da'wah etc. We worked at the same office. His father too is a pious person and his family set up is just like mine. We are from two different but neighbouring countries and living in a third country. We became good friends due to our mutual interests and after sometime fell in love. That's where I gave in to Shaytaan, but I realise it only now. After sometime we became too close in every sense, including a close physical relation. Every time he promised me that I am his wife and we are surely getting married soon, so its not a big issue (to have sex). Though we were aware it was a sin, I was blinded by the love for him and trusted him so much (due to which I consented to have sex).

At the end, end of last year, he told his family about me, but his religious father didn't like it only because I am from a different area and he forcefully married his son off to another girl. This guy promised me he wouldn't leave me for any reason but he bent to his dad's pressure and married that girl and he later met me once and he was sad too (I thought) and he promised me that we would be together in the next world Insha Allah and lets ask forgiveness from Allah for the sin we committed.

I accepted that it was our fate and left him wishing him a happily married life. He promised me he'll send me mails every month on a certain date which is the date he proposed me earlier. We agreed that in that mail he will be only asking how I am, nothing else, so that I know he still keeps his promise of meeting in the heaven and he will never forget me etc.

But then he never mailed me afterwards, after a long time I sent him a mail asking how he is and whether his promise is still valid. But he never responded, I tried to call him but no answer. I didn't expect anything from him in this world except that he will keep praying Allah for our forgiveness and for us to be together in the Heaven Insha Allah.

I know his dad forcefully married him off to another girl and he is living with her, all what I expected from him is that he will keep his promise of the next world. I know it might sound totally silly but I loved him so much and still love him so much that I cannot forget him, so I valued this last promise so much. Also since I have committed such a big sin of having a physical relation with him, I have decided not to marry ever, in the hope that Allah will forgive mine and his sin if I continue to pray for that and ask for forgiveness. But I have lost my peace of mind. I clearly understand that he has forgotten me completely and he has told that its a waste that he fought with his parents to marry me, because he has got a better wife now. Also he told me that he doesn't want to pray for that promise anymore as his stand is changed now. What I understand from that is that now he doesn't have the wish to be together in the next world either.

Now we have stopped talking completely as I do not want to be a distraction to his married life and do not want to be associated to any sin anymore.

I feel so betrayed, this guy convinced me to love him so much and made me fall for him through his Islamic talks. At the beginning, I didn't accept him, he convinced me so much saying he can convince his family and we would be a perfect match. Also he promised me in the name of Allah thousands times to convince me to be physically close to him, every time saying he is my husband and Allah knows that, though people do not know.

Every time he told me how he wouldn't even think of marrying another one because how he would answer Allah if he does that. But now he has completely changed and he has broken all the promise to me including the last promise he gave me that he will continue to pray for us to be together in the next world Insha Allah. He said thinks change and for me to change too and to marry someone else.

I feel so betrayed, I feel as if he has used me when he wanted to and I feel as if I have got the punishment from Allah for trusting and loving a guy more than the command of Allah and committing a great sin. I hate the idea of marrying when my parents are talking about it now. They know that I liked this guy but no body knows I was this close to him. They are looking for religious educated guys for me. But I don't want to marry ever. First of all, I had given all my love to this guy and I cant think of another person, secondly I feel vomitish to think the idea of marriage as I already had a close relation with this guy.

I have lost my sleep and happiness and peace of mind because of this. I have committed a great sin and I have been betrayed by the person I loved most. I try to get back my peace of mind by reading more Quran and doing more social works etc. But I have lost interest in everything.

Can you please answer me the following questions?

Will I get forgiveness for this sin?

How do I get peace of mind when I know how much I am betrayed?

I am hurt and continuously crying for this last 6 months, how do I console myself?

If I had loved this guy truly, will I get to live with him in the hereafter?

He was so loving and caring at that time, only after his marriage he feels no value to the relation we had before. So will I still get him when he doesn't love me anymore and when he doesn't pray anymore that I should be his wife in the hereafter at least?

How do I avoid getting married when my parents are pressuring me?

I will get peace of mind if I know just that this guy still has that same love for me but he doesn't anymore and we will be together in the heaven Insha Allah. Is it ok to hope to like this when he is married to another person and when he doesn't have that desire anymore?

Wassalam.

Reply

Dear Sister

May Allah care for you, protect you, forgive you and grant you all the comfort you need. Forgiveness for sex before marriage has its format in the Shariah. I do not know whether it is Waajib (compulsory) for a person who has done such an act while being unmarried to inform an Islamic Qadhi about what he/she has perpetrated. Nevertheless, you most likely living in countries where the Shariah laws are not applied. Even if you were, you would not have the guts to accept the Shariah punishment of being lashed/whipped. You thus need to ask forgiveness for your entire life. Allah alone knows whether He shall forgive you without meeting punishment in this world or the Hereafter. Allah is All-Forgiving, All-Merciful and He is also All-Mighty and has the full power to punish if He so wills. Insha-Allah if your Taubah is real sincere, Allah will look at you favourably.

You cannot get peace of mind in regard to his betrayal since you, yourself, have betrayed the orders of Allah. Dating and intimacy prior to marriage has no validity in Islam. You opened your legs and allowed him sexual gratification. You violated the orders of Allah and your personal dignity. Rather, learn to forget him on the basis that he was not in your taqdeer. Never think of him, and despite his betrayal, never think of the same nor try to find reasons why he betrayed you. What has happened is history. Forget it. Learn a lesson for the future. Get peace of mind by turning to Allah. Forget the past. Live a life of obedience to the orders of Allah. Build your spirituality.

Sister, if you cry for a million years, it will not restore your virginity.

Also, perpetually crying for a man with no dignity will worsen your health, emotions and mental stability. That human animal took your virginity. He used you. He enjoyed you. He committed to you. He promised you. He laid nude on you, and ultimately he dumped you. He was not man enough to inform his parents that he had sex with you. He did not respect the fact that you as a person will one day aspire to marry but will fear to do so because you lost your virginity. He did not care about mentally and emotionally affecting your entire life with the thoughts of a shattered love. He made you entitled to the punishment of Allah for the nature of the sin you mutually perpetrated. If Allah does not pardon you, will you not be facing punishment for that in this world or in the Hereafter? Is such a man worth crying for? Forget him, forget his charms, forget his looks and forget the moments of sexual gratification and love. Destroy or give away every gift he gave you. Let nothing remind you of him. Find consolation with the fact that despite your inner consciousness regarding the loss of virginity, you are Muslim. You have Allah. You have the doors of Taubah. Learn to accept that the world is full with billions of love cases that have drowned in despair.

Unfortunately, when we fall in love, without gaining the right to allow our emotions to be attached, we jeopardise our sanity and feelings. Love turns the world into an existence that must serve the dictates of the lovers. We, in this state, reject the orders of Allah. Our minds enter the dark crevices of illicit sexual pleasure. The heart loses bearing and the compass of life leads us to live in an abstract framework of false happiness and intimacy.

When the human eye of the lover sets its target on another victim or another soul, then life trembles due to betrayal and the collapse of an empire of aspirations built in the atmosphere. Then only do the realities of life face us. The only do we realize the mistakes. Then only do you find yourself with an irreplaceable loss of virginity.

I am not Allah, I cannot say whether you shall live with him in the Hereafter. If you have never married in this existence, I do not know whether you and other unmarried females would be wedded to persons of your choice. Thousands of ahadith would have to be studied for the solutions on these matters. It is strange that you seek, in the Hereafter, a man who violated Allah's orders. You seek a man that dumped you immaterial of how much you try to lessen the pain by trying to justify why he married another female and left you.

Love and marriage is generally a mutual choice. If he does not pray that you be his wife in the Hereafter, how would you then be his wife? He has already concluded that sex and other things you flattered him with, have no more value to him. He had his sexual needs met. He enjoys another valley now. His eyes have opened to the variety of women that exists out there. If he tasted you, who knows – How many others did he enjoy?

Don't be a fool by avoiding to look at marriage. Your parents cannot force you into marriage. However, don't write it off. You may be lucky to get a man who is a million times better than the other. Be happy. Somewhere out there, Allah has written – Insha-Allah someone else for you.

It is not ok for you to desire to be his wife when he is married to another although the Shariah allows a man to have four wives. The practicality of the matter is that most Muslim men never have a second wife. The more you live with the false hope the more you will suffer and you will let go of good opportunities to marry. Eventually you will be a old lady with no husband. You will regret not getting married.

Go get married and have Halaal sex.

Ustadh, Ahmed Fazel Ebrahim

7. Wali's duty after coming to know about Zina committed by the wife

A few years ago I acted as the wali at the Nikah for a very close friend. Recently I found that she is committing zina. Is it my responsibility to approach her? What is the role and responsibilities of a wali or brother/friend after marriage? Please provide your guidance. I would like to talk to her as soon as possible.

Reply

Some Madhahib only allow specific family related adult Muslim males to be a Wali for a female.

Some jurists of the Hanafi Madhab may perhaps allow any Muslim adult to act as a Wali since they do not consider it essential to have a Wali.

Nevertheless, the Wali is primarily required, as given in the hadith, for the approval of the marriage. We do not find any further specified function of the wali. However, we can infer from the purpose of the requirement of a Wali at the inception of the marriage that his function is to cater for her interests in all necessary issues pertaining to the marriage. Thus, she should

have recourse to him throughout the marriage to resolve disputes or to have him mediate in their affairs if necessary. The Wali also has to be fair towards her husband and not violate his interests.

Since you have come to know that the female is engaged in adultery, you should verify the truth thereof with her and ensure that she stops and that she becomes faithful. If it is established that she thereafter continues her unfaithfulness, then I view it essential to notify her husband and end the marriage.

The Shariah requirements for establishing Zina via four witnesses would be almost impossible. Therefore, the only way would be through her admission of guilt.

Ustadh, Ahmed Fazel Ebrahim

8. Disciplining Those Who like that Illegal Sexual Intercourse should be circulated among the Believers

Disciplining Those Who like that Illegal Sexual Intercourse should be circulated among the Believers

This is a third instance of discipline directed at those who hear evil talk, believe it to some extent, and start to spread it; they should not spread such talk or pass it on to others. Allah says:

(إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تُشَيَّعَ الْفَحْشَةُ فِي الَّذِينَ عَامَلُوا لَهُمْ عَذَابٌ أَلِيمٌ)

(Verily, those who like that Fahishah should be circulated among those who believe, they will have a painful torment) meaning, those who like to see evil talk about them (the believers) appear,

(لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا)

(they will have a painful torment in this world) means, because of the prescribed punishment, and in the Hereafter because of the torment in Hell.

(وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ)

(And Allah knows and you know not.) means, return the matter to Him and you will be guided.

Imam Ahmad recorded from Thawban that the Prophet said:

«لَا تُؤْذُوا عِبَادَ اللَّهِ وَلَا تُعَيِّرُوهُمْ، وَلَا تَطْلُبُوا عَوْرَاتَهُمْ، فَإِنَّهُ مَنْ طَلَبَ عَوْرَةً أَخِيهِ الْمُسْلِمِ طَلَبَ

الله عورته، حتى يقضحه في بيته»

(Do not annoy the servants of Allah, nor abuse them, nor seek their hidden shortcomings.

Whoever seeks out the faults of his Muslim brother, Allah will expose his faults and degrade him, even if he is hiding in his house.)

(ولو لا فضل الله عليكم ورحمةه وأن الله رءوف رحيم - يأيها الذين ءامنوا لا تتبعوا خطوات الشيطان ومن يتبع خطوات الشيطان فإنه يأمر بالفحشاء والمنكر ولو لا فضل الله عليكم ورحمةه ما زكى منكم من أحد أبدا ولكن الله يزكى من يشاء والله سمى علهم)

(20. And had it not been for the grace of Allah and His mercy on you, and that Allah is full of kindness, Most Merciful.) (21. O you who believe! Follow not the Khutuwat of Shaytan. And whosoever follows the footsteps of Shaytan, then, verily, he commands Al-Fahsha' and the evil deeds. And had it not been for the grace of Allah and His mercy on you, not one of you would ever have been pure from sins. But Allah purifies whom He wills, and Allah is All-Hearer, All-Knower.)

From

<http://www.qtafsir.com/>

The spouses looking at each other in the nude

1. Can the spouses look at the naked bodies of each other?

الهداية - كتاب الكراهة
الحنفي

قال (وينظر الرجل من أمهاته التي شحّل له وزوجته إلى فرجها) وهذا إطلاق في النظر إلى سائر بدنها عن شهوة وغير شهوة . والأصل فيه قوله عليه الصلاة والسلام " { غض بصرك إلأ عن أمهاتك وامرأتك } " وإن ما فوق ذلك من المس والاغشيان مباح فالظاهر أولى ، إنما أن الأولى أن لا ينظر كل واحد منها إلى عورة صاحبه لقوله عليه الصلاة والسلام " { إذا أتى أحدكم أهله فليستتر ما استطاع ولما يتجرأ أن تجرأ العبر } " وإن ذلك يورث النساء لورود الأثر . وكان ابن عمر رضي الله عنهما يقول : الأولى أن ينظر ليكون أبلغ في تحصيل معنى اللذة .

In terms of the above, a person may look at the vagina of his wife. Thus, the spouses may look at the naked bodies of each other immaterial if this be with or without desire. However, it is preferable to abstain there from if there be no need. Also, they should attempt to cover themselves as far as possible and abstain from becoming naked before each other as wild donkeys do.

Ibn Umar viewed that it is more preferable to look as this allows for greater pleasure.

الغاية شرح الهدایة

قال (ويَنْظُرُ الرَّجُلُ مِنْ أُمَّتِهِ إِلَّا) هَذَا هُوَ الْقَسْمُ الثَّانِي مِنْ أَقْسَامِ نَظَرِ الرَّجُلِ إِلَى الْمَرْأَةِ، وَالشَّامِحُ فِي رِعَايَةِ التَّرْتِيبِ فِي كَلَامِ الْمُصَنَّفِ ظَاهِرٌ، وَقَيْدَهُ يَقُولُهُ مِنْ أُمَّتِهِ الَّتِي تَحْلُّ لَهُ، لِأَنَّ حُكْمَ أُمَّتِهِ الْمَجُوسِيَّةُ وَالَّتِي هِيَ أُخْلَهُ مِنْ الرَّضَاعِ حُكْمُ أُمَّةِ الْغَيْرِ فِي النَّظَرِ إِلَيْهَا، لِأَنَّ إِبَاحةَ النَّظَرِ إِلَى جَمِيعِ الْبَدَنِ مَبْعِيَّةٌ عَلَى حَلِ الْوَطَعِ فَتَتَفَقَّهُ بِإِتْنَاقِهِ. وَالْغَيْرُ: هُوَ الْحَمَارُ الْوَحْشِيُّ. وَحَصَنَهُ بِالذِّكْرِ لِأَنَّ لِلَّاهِ أَهْلَيَ نَوْعٍ سَتْرٍ مِنَ الْأَقْتَابِ وَالشَّفَرِ. وَقَدْ قِيلَ هُوَ الْأَهْلِيُّ أَيْضًا. وَقَوْلُ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: الْأَوْلَى أَنْ يَنْظُرَ: يَعْنِي وَقْتَ الْوَقَاعِ. رُوِيَ عَنْ أَبِي يُوسُفَ رَحْمَهُ اللَّهُ فِي الْأَمَالِيِّ قَالَ: سَأَلْتُ أَبَا حَيْثَةَ رَحْمَهُ اللَّهُ عَنِ الرَّجُلِ يَمْسِ فُرْجَ امْرَأَتِهِ أَوْ تَمَسِ هِيَ فُرْجَهُ لِيَتَحَرَّكَ عَلَيْهَا هَلْ تَرَى بِذَلِكَ بَأْسًا؟ قَالَ لَهُ، أَرْجُو أَنْ يَعْظِمَ الْأَجْرُ.

It is narrated from Abu Yusuf R.A. in the Amaali (his dictations): I had asked Imam Abu Hanifah R.A. whether he sees a problem in regard to a person touching (caressing) his wife's vagina or her touching (caressing) his penis so that he becomes sexually excited towards her? He replied: No, I have the hope that (their) reward would be magnified (for pleasuring each other in a Halaal way).

حاشية الدسوقي على الشرح الكبير
باب في النكاح و ما يتعلّق به

(وَحَلَّ لَهُمَا) أَيْ لِكُلِّ مِنْ الزَّوْجَيْنِ فِي نِكَاحٍ صَحِحٍ مُبِينٍ لِلْوَطَعِ نَظَرٌ كُلُّ جُزْءٍ مِنْ جَسَدِ صَاحِبِهِ (حَتَّى نَظَرُ
الْفُرْجِ) وَمَا وَرَدَ مِنْ أَنَّ نَظَرَ فُرْجَهَا يُورِثُ الْعَمَى مُنْكَرٌ لَا أَصْلَ لَهُ

2. Can a couple bathe together in the nude?

Yes, they can.

Ahmed Fazel

3. Is it allowed for me to see my wife fully naked on camera, while we are chatting online, as I am very far from here and this is the only way calms me down?

I am of the opinion that it is Haraam to unnecessarily take photographs of animate beings. The creation of temporary digital images may also be considered by some Fuqahaa as impermissible.

Since it is permissible to view your wife when she is fully naked, it does not imply taking a nude picture of her is allowable because she is your wife.

Personally, all I can say is that if you do see your wife nude over web cam, you will not be sinning in regard to viewing your wife but may be sinning in regard to the creation of temporary digital images. Thus, I advice you to abstain from watching her nude or in clothes over web cam.

Allah knows best.

To an extent of necessity perhaps some scholars may allow you to see other persons over web cam. This is not much different from CCTV where clients and others in a building are monitored from particular monitor/s.

A web cam can be used to create a digital picture/photo that can be stored or for the transmission of digital images that are produced in great speed in order to appear as a live transmission on the other pc.

4. Caressing your wife all over her body

الأم – كتاب النفقات

(قال الشافعي) فلما التلذذ بغير إل inaug الفرج بين الالتين وجميع الجسد فلابس به إن شاء الله تعالى قال وسواء هو من الأمة أو الحرفة فإذا أصابها فيما هناك لم يحل لها لزوج إن طلقها ثلثا ولم يحصلها ولما يتبعها تركه وإن ذهبت إلى الإمام نهاية فإن أفر بالعوده له أدبه دون الحد وكما غرم عليه فيه لها لمنها زوجة ولو كان في زنا حد فيه - إن فعله - حد الزنا وأغترم - إن كان خاصبا لها - مهر مثلا قال ومن فعله وجب عليه العجل وأقدس حججه .

(Imam Shafi said) As for enjoyment (i.e. a husband gaining pleasure via holding and caressing with his wife) in areas other than through having actual sex in her vagina like the area between her bums (excluding the rectum) and the rest of the body, there is nothing wrong with it - Insha-Allah. This is equally valid in the case of a slave as well as in regard to free women. However, if he had had (forbidden sex) in the anal passage (in a valid marriage not done for the purpose of Halaalah), he would not be regarded to have made her *Halaal* for any (previous) husband (of hers) who had divorced her thrice, nor would (the anal intercourse in a valid marriage) classify her as a *Muhsinah* (in regard to the rules of *hadd*, thus if she commits adultery with another prior to have had sex with her husband in her vaginal passage, she would not be stoned to death). She should not leave him to have anal sex. If she reports the matter to the Imam (Islamic caliph, judge or authority), the latter must prohibit him from such an act. If he (her husband) subsequently confesses to have returned to such an act, he (the Imam) will discipline him by punishment to an extent that is less than *Hadd*. He (her husband) will not be required to pay any compensation to her in regard to such an act (of anal intercourse) since she is his wife. However, if he has done such an act (of anal sex) in an act of (consensual) adultery, the *hadd* of adultery will be imposed on him, but he would have to provide *Ghurm* (compensation) if he had raped her¹ to the value of dowry that would be bestowed to someone of her status. He (Ash-Shafi) said: and whoever does it (anal sex) will be obligated to have a bath thereafter, and this would nullify his hajj (if this was done while he was in the state of ihram doing hajj).

Translation by Ahmed Fazel Ebrahim

5. Is it permissible for women to wear sexy lingerie for their husbands, and, in hot climates, just wear lingerie under the burkha (an outer female garment which covers the female from head to toe)?

It is permissible for a female to wear such clothing only for and only in front of her husband.

It is also important to take into cognisance the following Hadith of Rasulullah [sallallaahu alayhi wasallam] "Modesty is a branch of Imaan".

¹ Together or before meeting the punishment of the *hadd* to him (Ahmed Fazel)

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai

Notes by Ahmed Fazel

As long as the awrah of the female is covered, there is no prohibition in the Shariah against her wearing such underwear even if she is not married. Since a female is allowed to be naked before her husband, she is allowed to a greater degree to wear such garments for him for the purpose of sexual appeal.

In fact, in contemporary society where men often view nude women in magazines, newspapers, television; and see semi-nudes at work or elsewhere, it becomes somewhat repugnant for them to view their spouses in non-attractive clothing. Thus, for the purpose of their mutual pleasure and to excite her husband's visual appeal, she may fully gratify his desire to see her in the diverse varieties of such apparel.

Taqwa is a different matter. When the couple are on the level of taqwa and the level of their spirituality increases, nothing stops them from engaging in sex in the dark only or without seeing the bodies of each other. The allowed should not be made prohibited nor should we impose strictness on every person since the natures of people differ.

Sexual Format

1. Can I practice coitus interruptus?

قالَ (وَيَعْزُلُ عَنْ أُمَّتِهِ بِغَيْرِ إِذْنِهَا وَلَا يَعْزُلُ عَنْ زَوْجِهِ إِلَّا بِإِذْنِهَا) {لَأَنَّهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ نَهَىٰ عَنِ الْعَزْلِ عَنِ الْحُرْمَةِ إِلَّا بِإِذْنِهَا، وَقَالَ لِمَوْلَىٰ أُمَّةٍ : اعْزِلْ عَنْهَا إِنْ شِئْتْ {، وَلَكِنَّ الْوَطَعَ حَقُّ الْحُرْمَةِ قَضَاءُ لِلشَّهَوَةِ وَتَحْصِيبًا لِلْوَلَدِ وَلَهُدًا ثَخِيرٌ فِي الْجَبَّ وَالْعَغَةِ، وَلَا حَقُّ الْأُمَّةِ فِي الْوَطَعِ فَهُدَا لَا يُنْقَصُ حَقُّ الْحُرْمَةِ بِغَيْرِ إِذْنِهَا وَيُسْتَبِدُ بِهِ الْمَوْلَىٰ وَلَوْ كَانَ تَحْتَهُ أُمَّةٌ غَيْرُهُ فَقُدْ نُكَرْنَاهُ فِي النَّكَاحِ .

This refers to the male removing his penis from the vagina of his wife before he ejaculates his semen into her. It was done in the early days to prevent pregnancy.

In our era, condoms and various other medications are used to prevent pregnancy. However, there are many situations when a man does not have a condom or his spouse is not on the pill (or other medication to prevent pregnancy). Thus, he is allowed to practice coitus interruptus, but it requires his wife's consent.

Ahmed Fazel

2. Is talking allowed during intercourse?

Yes. However, as Muslims, adopt a level of modesty in your speech and abstain from vulgarity and filthy expressions when expressing your pleasure or seeking a greater intensity thereof.

I think it essential to also not answer your cell phone or phone calls in this period.

Unfortunately, the decorum demanded in Islamic speech is also dwindling in society. Thus, instead of a spouse saying "I need to make love or need you in bed" he/she now says "I need a fuck". This, in Shariah terms, is immoral.

Ahmed Fazel Ebrahim

3. Am I entitled to refuse him to enter my vagina from behind my bums?

My husband has indicated that when we have sex he would like to try it from behind. I feel very uneasy about this and I need to know if it is haraam and if it is not can I refuse this?

Reply

It is not Haraam for him to enter your vagina from behind.

You can refuse him to have sex in such a format if you are uneasy. Although, Islam encourages and orders a man's wife to sexually gratify him in formats allowed by Islam, yet this does not imply that a man acts as an animal or that he disrespects her morality. No man is entitled to rape his wife. Allowance for a given format of sex does not imply an automatic right for him to impose himself upon you on an occasion that has to be passionate and mutually gratifying.

4. Thinking of the attributes of another women while having sex with your wife

الفتاوى الفقهية الكبرى
أحمد بن محمد بن علي بن حجر الهيثمي الشافعى
كتاب النكاح

(وَسُلِّمَ) فِي رَجُلٍ جَامِعٍ زَوْجَتَهُ مُنْفَكِرًا فِي مَحَاسِنِ أَجْنِيَّةِ فَهُلْ يُحَرَّمُ ؟
(فَلَجَابَ) يَقُولُهُ الَّذِي أَنْتَ يَهُ أَبُو الْقَاسِمِ بْنِ الْبَزْرِيِّ يَأْتِهِ لَا يَحِلُّ وَقَدْ بَسَطَ الْكَلَامَ عَلَى ذَلِكَ فِي تَرْجِمَتِهِ أَبْنِ السُّبْكِيِّ فِي طَبَقَاتِهِ وَرَجَحَ عَدَمُ التَّائِيْمِ لِحَدِيْثِ { إِنَّ اللَّهَ تَجَوَّرُ لِي عَنْ أَمْتَى مَا حَدَّثَتْ بِهِ أَنْفُسُهَا مَا لَمْ تَتَكَلَّمْ أَوْ تَعْمَلْ بِهِ } أَيْ بِالْعَمَلِ الَّذِي عَزَّمَ عَلَيْهِ وَهَذَا لَمْ يَعْمَلْ بِمَا عَزَّمَ عَلَيْهِ اه وَيُوَيْدُ التَّحْرِيمَ قَوْلُ الْقَاضِيِّ فِي الصُّوْمَ مِنْ تَعْلِيقِهِ كَمَا لَا يَحِلُّ لَهُ يُحَرَّمُ التَّفْكُرُ فِيهِ لِقُولِهِ تَعَالَى { وَلَا تَمْمَعُوا الْخَيْثَ مِنْهُ } فَمَنْعَمَ مِنَ النَّيْمِ مِمَّا لَا يَحِلُّ كَمَا مَنَعَ مِنَ النَّظَرِ إِلَى مَا لَا يَحِلُّ ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ .

This is impermissible immaterial whether done by the husband or whether the wife fantasizes that she is busy with another man.

4.b He imagines that he is having intercourse with someone other than his wife

What is the ruling if, whilst having intercourse with his wife, a man imagines that she is some other woman and gets pleasure from that?.

Praise be to Allaah.

What this man is doing is something that the scholars have stated is haraam, because even if he is only having intercourse with his wife, he is imagining himself committing zina and feeling pleasure as a result.

Ibn al-Haaj al-Maaliki (may Allaah have mercy on him) said:

A man should stay away from such thoughts and from this abhorrent characteristic which unfortunately is widespread, which is that when a man sees a woman he likes, he goes to his wife but he imagines that woman whom he has seen. This is a kind of zina, because our scholars said concerning one who takes a glass of water and imagines that it is wine that he is drinking, that that water becomes haraam for him. What is mentioned does not apply only to men, rather women are included in it too and that is even worse, because usually women nowadays go out and look at people, and if a woman sees someone whom she likes, she may keep thinking of him, then when her husband has intercourse with her she imagines that image which she has seen, so both of them may come under the heading of zina. We ask Allaah to keep us safe and sound. End quote.

Al-Madkhal, 2/194, 195

Ibn Muflih al-Hanbali (may Allaah have mercy on him) said:

Ibn 'Aqeel said – and he emphasized the prohibition in al-Ri'aayah al-Kubra: If, when he is having intercourse with his wife, he imagines the image of another woman or a male, then he is sinning. End quote.

Al-Furoo', 3/51

Wali al-Deen al-'Iraaqi (may Allaah have mercy on him) said:

If he has intercourse with his wife but in his mind he is having intercourse with someone who is forbidden for him, and he imagines in his mind that he is having intercourse with that forbidden image, that is haraam for him, and that is because he is imagining himself committing a haraam action. End quote.

Tarh al-Tathreeb, 2/19

And Allaah knows best

4.c She imagines enjoyment with non-specific imaginary men before intercourse

Ruling on sexual fantasies

We got married three and a half years ago, and he is very good and very religiously committed. We worship Allaah together as much as we can, praise be to Allaah. But the problem started with me from the beginning of the marriage. Whilst having intercourse he had to tell me sexual stories and I would use my imagination, because I could not reach climax otherwise. In order to feel satisfied I have to fantasize. The problem with me is that I feel guilty every time after having intercourse, because the images that I fantasize about stay with me- I never imagine myself with any other person at all, only people whom I do not know. I told him about this problem and he did not get angry, but I feel like it is a kind of betrayal. What should I do? Please advise me. What is the Islamic ruling?.

Praise be to Allaah.

Firstly:

Sexual fantasies are among the thoughts that cross a person's mind because it is something that is stored in the subconscious which is affected by the environment in which he lives and the scenes that he sees. These are thoughts that occur to most people, especially the youth, but they vary from one person to another with regard to their type, strength and effect.

Islamic sharee'ah is the sharee'ah of the fitrah (natural state of man) and it is in harmony with human nature, and it takes into account the psychological fluctuation that Allaah has made a part of the human make-up. So it does not go beyond human limitations or impose impossible burdens.

Allaah says (interpretation of the meaning):

"Allaah burdens not a person beyond his scope"

[al-Baqarah 2:286]

It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: "Allaah has forgiven my ummah for whatever crosses their mind so long as they do not speak of it or act upon it." Narrated by al-Bukhaari (2528) and Muslim (127).

Al-Nawawi (may Allaah have mercy on him) said commenting on this hadeeth:

Whatever crosses a person's mind, so long as he does not dwell on it or continue to think of it, he is forgiven for it, according to scholarly consensus, because it does not happen voluntarily and he has no way of avoiding it.

Al-Adhkaar (p. 345).

Passing fancies come under the heading of that which crosses a person's mind, which is forgiven according to the hadeeth quoted above. So if a person imagines haraam things that came to his mind unbidden, there is no blame or sin on him, rather he has to ward them off as much as he can.

Secondly:

If a person dwells on haraam thoughts and calls them to mind, then the fuqaha' differed as to how to view this situation – is it covered by that forgiveness or does it come under the heading of thinking and resolving (to do something haraam) for which a person may be called to account?

This issue was discussed by the fuqaha' in the following manner:

If a man is having intercourse with his wife and is thinking of the charms of another woman, so that he imagines he is having intercourse with her, are those thoughts and fantasies haraam? The fuqaha' differed concerning that.

The first view is that it is haraam, and that the one who deliberately brings haraam images to mind whilst having intercourse with his wife is sinning.

Ibn 'Aabideen al-Hanafi (may Allaah have mercy on him) said:

The view that is closest to the spirit of our madhhab is that it is not permissible, because imagining that woman as if he is having intercourse with her is imagining oneself committing a sin with a woman who is not permissible for him.

Haashiyat Radd al-Muhtaar (6/272).

Imam Muhammad al-'Abdari, who is known Ibn al-Haaj al-Maaliki (may Allaah have mercy on him), said:

A man should refrain from thinking such thoughts and tell others to avoid this behaviour too, i.e., this obnoxious characteristic that has unfortunately become very common, which is when a man sees a woman whom he likes, he goes to his wife and has intercourse with her, and starts to imagine that woman whom he has seen.

This is a kind of zina (adultery) because of what our scholars (may Allaah have mercy on them) have said about the one who takes a tankard and drinks water from it, but he imagines that it is alcohol that he is drinking – so that water becomes haraam for him.

What we have mentioned does not apply only to men, rather it also includes women, and it applies even more so to them, because what is common nowadays is that they go out or look out from windows, and if they see someone whom they like, they start thinking about him, then when they have intercourse with their husbands they bring that image that they have seen to mind, so each of them may be committing zina in some sense – we ask Allaah to keep us safe from that.

He should not only avoid that himself, he should also draw his family's and other people's attention to it, and tell that this is haraam and is not permitted.

Al-Madkhil (2/194, 195).

Ibn Muflih al-Hanbali (may Allaah have mercy on him) said:

Ibn 'Aqeel stated in al-Ri'aayah al-Kubra that if a man imagines the image of another woman who is forbidden to him whilst having intercourse with his wife, he is sinning, but a passing thought that he cannot prevent does not constitute a sin.

Al-Adaab al-Shar'iyyah (1/98).

The evidence for this opinion is the view favoured by a number of scholars, that if thoughts that cross the mind become entrenched and may turn into something that one resolves to do, then they come under the heading of things for which one is accountable, and that haraam fantasies that a person deliberately calls to mind are not covered by forgiveness, because they have been thought of deliberately and the person will be called to account for that.

Al-Nawawi (may Allaah have mercy on him) said: The reason why passing thoughts are forgiven is what we have mentioned above, that they cannot be avoided. But it is possible to avoid dwelling on them. Hence dwelling on them is haraam.

Al-Adhkaar (345).

The second view is that it is permissible, and that there is no sin on the one who does that. This is the view of a number of later Shaafa'i scholars, such as al-Subki and al-Suyooti.

They said: That is because there is no resolve or determination to sin in fantasies. He may imagine that he is having intercourse with that woman, but there is no resolve in his heart or any plan to do that, rather he may refuse if given the opportunity to do it.

It says in *Tuhfat al-Muhtaaj fi Sharh al-Minhaaj* (7/205, 206) – which is a Shaafa'i book:

Because when he thinks of that or imagines it, it does not occur to him to actually commit zina or do any of the things that lead to it, let alone resolve to do it. All that is happening to him is that he imagines something reprehensible as something good. End quote.

See: *al-Fataawa al-Fiqhiyyah al-Kubra* (4/87).

It seems that the correct view is the view that such fantasies are makrooh, even if we do not say that they are haraam. That is for the following reasons:

- 1- Many psychologists regard sexual fantasies as a psychological disorder if they dominate a person's thinking to such an extent that he cannot enjoy any pleasure except through these fantasies, and that may lead to abnormal sexual fantasies.
- 2- Islamic sharee'ah teaches the principle of *sadd al-dharaa'i*' or blocking the means that may lead to haraam things and closing every door that may lead to evil. It is to be expected that sexual fantasies may lead to a person committing haraam deeds. A person who frequently imagines something and wishes for it will inevitably develop the motive to do it and will try to do it a great deal. So he starts by looking at haraam images, and his eyes become accustomed to looking at haraam things, then he will try to fulfil his fantasies.
- 3- Most of these fantasies come to people's mind by haraam means in people's minds, such as permissive satellite channels and by watching scenes of decadent societies from kaafir lands all over the world, where there is no modesty and watching sex scenes is becoming a daily habit, as is obvious to anyone who lives or works in those countries.
- 4- Finally, such fantasies may lead to spouses losing interest in one another, so the wife is no longer attractive to her husband, and vice versa, which leads to marital problems, and then sufferings and problems start.

For all of these reasons, our advice to everyone who is tested with such fantasies is to hasten to put a stop to them and rid himself of them. The following means may be of help:

1 –Completely avoiding everything that may provoke such fantasies, such as haraam movies and TV shows which are shown on satellite TV, as well as avoiding reading stories that generate such fantasies. We have already discussed on our site the fact that it is haraam to read such sexual stories. See the answer to question no. [34489](#).

Al-Ghazaali said in Ihya' 'Uloom al-Deen (1/162):

The way to ward off distracting thoughts is to cut off their source, i.e. avoid the means that could create these thoughts; if the source of such thoughts is not stopped, it will keep generating them. End quote

2 – Regularly reciting the adhkaar that are prescribed in sharee'ah, especially that which is said before having intercourse: "Allaahumma jannibna al-shaytaana wa jannib al-shaytaana ma razaqtana (O Allaah, keep the Shaytaan away from us and keep the Shaytaan away from that with which You bless us)." Narrated by al-Bukhaari (141) and Muslim (1434).

3 – Focusing on the present enjoyment instead of that which is absent. In both spouses there is that which will keep the other from thinking of haraam things. If each spouse focuses on the attractions of the other, they will not be distracted by fantasies of other things.

4 – Imagine if your husband had fantasies like you do, would you accept that? Wouldn't that make you feel unhappy? How can you accept to make your husband feel like that? Try to use this thought to get rid of what you are feeling.

5 – Consult psychologists. There is nothing wrong with your going to a female psychologist or family doctor and asking her for advice; you may find something to help you in-sha Allaah.

I ask Allaah to guide and bless you and your husband.

And Allaah knows best.

Islam Q&A

5. What is the ruling regarding a man who drank his wife's milk (after extraction) or directly sucked milk from the breasts of his wife (immaterial whether this is during sex or at any other time?)

المنقى - شرح الموطأ - (ج 3 / ص 355)
 1115 - و حدثني عن مالك عن يحيى بن سعيد أن رجلا سألا أبي موسى الأشعري فقال إني مصصصت عن امرأتي من ثديها لبنا فذهب في بطني فقال أبو موسى لـ أرأها إنما قد حرمـت عليكـ فقالـ عـبد اللهـ بـن مـسـعـودـ انـظـرـ مـاـذـاـ ثـقـتـيـ بـهـ الرـجـلـ فـقـالـ أـبـوـ مـوسـىـ فـمـاـذـاـ تـشـوـلـ أـنـتـ فـقـالـ عـبد اللهـ بـن مـسـعـودـ لـاـ رـضـاعـةـ إـلـاـ مـاـ كـانـ فـيـ الـحـولـيـنـ فـقـالـ أـبـوـ مـوسـىـ لـاـ تـسـأـلـونـيـ عـنـ شـيـءـ مـاـ كـانـ هـذـاـ الـحـبـرـ بـيـنـ أـظـهـرـكـ

1115 - (فصل) وقول أبي موسى للذى سأله عن حكم ما مصن من ثدي امرأته من اللبن ما أرأها إنما قد حرمـت عليكـ لـعـلـهـ مـيـنـ رـأـيـ فـيـ ذـكـرـ أـنـ رـضـاعـ الـكـبـيرـ يـحـرـمـ وـهـ مـذـهـبـ لـمـ يـأـخـذـ بـهـ أـحـدـ مـنـ الـفـقـهـاءـ ، وـقـدـ اـنـعـدـ الـجـمـاعـ عـلـىـ خـلـافـهـ مـعـ مـاـ ظـهـرـ مـنـ رـجـوـعـ أـبـيـ مـوسـىـ عـنـهـ .

(فصل) وقول عـبد اللهـ بـن مـسـعـودـ رـضـىـ اللـهـ عـنـهـ اـنـظـرـ مـاـ ثـقـتـيـ بـهـ الرـجـلـ عـلـىـ وـجـهـ الـإـنـكـارـ عـلـيـهـ وـإـبـاءـ الـمـخـالـفـةـ لـهـ وـلـعـلـهـ قـدـ كـانـ عـنـهـ فـيـهـ عـلـمـ عـنـ الشـبـيـ صـلـىـ اللـهـ عـلـيـهـ وـسـلـمـ مـاـ رـوـيـ عـنـهـ صـلـىـ اللـهـ عـلـيـهـ وـسـلـمـ أـنـ الرـضـاعـةـ مـنـ الـمـجـاعـةـ أـوـ غـيـرـ ذـكـرـ وـيـقـضـيـ ذـكـرـ أـنـ كـلـ مـجـهـدـ لـيـسـ مـصـيبـاـ ، وـلـوـ اـعـتـدـ عـبد اللهـ بـن مـسـعـودـ أـنـ مـخـالـفـهـ مـصـيبـ لـمـاـ سـاعـ لـهـ الـإـنـكـارـ عـلـيـهـ .

(فَصُلْ) وَقُولُ أَبِي مُوسَى لَا شَأْلُونِي عَنْ شَيْءٍ مَا دَامَ هَذَا الْحَبْرُ بَيْنَ أَظْهَرِكُمْ رُجُوعٌ إِلَى مَا ظَهَرَ مِنَ الْحَقِّ
وَأَنْقِادٌ لِفَضْلِ أَبْنِ مَسْعُودٍ وَعِلْمِهِ وَتَقْدِيمِهِ وَقَصْرِ النَّاسِ عَلَى سُؤَالِهِ لِمَا اعْتَقَدَ مِنْ تَعْوِيقَهِ فِي الْعِلْمِ عَلَيْهِ.

The above details pertain to the following question recorded in the Muwatta of Imam Malik:

Yahya related to me from Malik from Yahya ibn Said that a man said to Abu Musa al-Ashari, "I sucked some milk from my wife's breasts and it went into my stomach." Abu Musa said, "I can only but think that she is (therefore) haram (prohibited) for you." Abdullah ibn Masud said, "Reflect at what opinion you are giving the man." Abu Musa said, "Then what do you say?" Abdullah ibn Masud said, "There is no establishment of relationship by fosterage except by suckling in the first two years." Abu Musa said, "Do not ask me about anything for as long as this learned man is among you."

This record neither entails any rebuke against the husband who sucked his wife's breasts. The person who sucked his wife's breasts was perturbed not because he sucked her breasts but because some milk entered his belly. This indicates that he enjoyed his passionate episode of sucking her breasts and in this process was perhaps unaware that he would be sucking out some of her milk. He thus sought a fatwa since he feared that she might have thus become impermissible to him as a wife due to having drunk milk from her breasts.

Abdullah bin Mas'ood R.A. clarified that this did not make her haraam unto him since the ruling of fosterage only relates to children in the first two years immediately after birth. Therefore, his marriage was valid.

There is thus nothing wrong if a man kisses and sucks his wife's breast or her nipples. This is a normal human instinct ingrained within men to be attracted to the breasts of females, and sucking the same results from the passionate expressions of love and desire for sexual intimacy.

مطالب أولى النهى في شرح غاية المنتهى - (ج 17 / ص 28)

(وَإِذَا طَلَقَ) رَجُلٌ (زَوْجَهُ لَهَا لِبْنٌ مِنْهُ، فَتَزَوَّجَتْ بِصَبَّيٍّ) لَمْ يَتَمَّ لَهُ حَوْلَانٌ (فَأَرْضَعَتْهُ) أَيْ : الصَّبَّيُّ (بِلَبَّيْهِ)
أَيْ : الْمُطْلَقُ (إِرْضَاعًا كَامِلًا انْفَسَحَ نِكَاحُهَا) مِنَ الصَّبَّيِّ لِصِيرُورَتِهِ أُمَّةٌ مِنَ الرَّضَاعَ (وَحَرَمَتْ عَلَيْهِ) أَبَدًا ،
لِمَا تَقَدَّ (وَ) حَرَمَتْ (عَلَى) الزَّوْجِ (الْأَوَّلَ أَبَدًا) لِأَنَّهَا مِنْ حَلَالِ أَبْنَائِهِ

According to the above details, as well as other Shariah sources, the formation of milk in a females breasts is considered to be the result of sexual intercourse.

In the above case, a man divorces his wife within whom milk was formed due to his sexual relationship. She then marries a male child who has not yet passed two lunar years since his birth. She then breasts feeds him with milk in her breasts that was formed as a result of her sexual relationship to the husband she had in her previous marriage. By providing full fosterage to her new husband during his years of infancy, her marriage to him (this child) had automatically become annulled since she became his foster mother through fosterage.

In this precedent, the child was fostered, and it led to the end of the child's marriage to the lady who fostered him. However, she continued to breast feed him. Despite other questions in this regard, the basic principle established is that the milk emanating from a Muslim woman's breast is pure and halaal.

Thus, although it may not be preferable to drink your own wife's milk, there would be no sin upon any one who had done this. It would neither place the husband into an impure state since what he drank was Taahir (pure).

Ahmed Fazel
...and Allah knows best

I have drunk my wife's breast milk. Is that permissible? She has stopped breast-feeding my child since he is nearly 2, but I want her to continue giving me some -- is that haram? Or can I continue even if she may dislike it?

Answer:

In the Name of Allah, Most Merciful & Compassionate

From a previous question answered by Shaykh Faraz Rabbani:

The husband is not permitted to drink his wife's milk because, in the words of imam al-Haskafi in al-Durr al-Mukhtar, quoting Sharh al-Wahbaniyya,

'It is a part of a human being and to make use of it without a real need to do so is Haram.' [Radd al-Muhtar, 3:212, Dar al-Kutub al-'Ilmiyya].

This a general rule in the sacred law: No part of a human being may be sold or used for nourishment or other 'deriving of benefit' (intifa'), beyond that which the Sacred Law has permitted. The baby's drinking the mother's milk is an exception, based on textual permission, due to the 'real need' (durura) to do so.

Wassalam, SunniPath Fiqh Team

6. Supplication (Dua) before sex

Fatwa No. :	81669
Fatwa Title :	What Muslim husband says to his wife before sex
Fatwa Date :	/ 01-06-1999

Question

I am going to get married. What do I have to tell my wife before sleeping with her? What is an Islamic wedding like?

Fatwa

Praise be to Allah, the Lord of the Worlds; and blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

We ask Almighty Allah to complete his blessing on you, and make your wife a blessing for you and grant you both good pious offspring. When a person desires to have sex with his wife, he should say "In the name of Allah, O' Allah,

protect us from Satan and keep the Satan away from what you bestow upon us". IBN ABBAS reported The Prophet Muhammad (Blessings and peace of Allah be upon him) said:" When a person has sex with his wife and recites this Du'a (supplication) , If Allah gives them a baby, Satan will not harm him/her".

When he meets his wife for the first time, he should put his hand on her head and recite. "O' Allah I ask from you her goodness and the goodness on which she is created, and I seek refuge with you from her badness, and from the badness on which she is created".

You should know, my dear brother that marriage is a tremendous sign of Allah, Allah says:" (interpretation of the meaning): " And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your (Hearts): verily in that are signs for those who reflect. You should know that your wife has some rights over you, you must fulfil them before you ask your rights from her, Allah says:" (interpretation of the meaning): " And they women have rights (over their husbands) Similarly (to those of their husbands) over them, to what is reasonable, but men have a degree (of responsibility) over them. You should live with her with good manners, and deal with her, as you like her to deal with you. Allah says: (interpretation of the meaning): " And live with them honourably. If you dislike them, it may be that you dislike a thing and Allah brings through it a great deal of goodness". And The Prophet Muhammad (Blessings and peace of Allah be upon him) said:" A believer man should not hate a believer woman, if he dislikes a quality of her, he may be pleased with another quality ". We seek Allah to perpetuate your happiness and make your marriage full of joy. Allah knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

Notes by Ahmed Fazel

In the very similar manner that reading the English translation of the Quran does not provide the type of reward and spiritual benefits that are granted by the Arabic text, there are indications in the ahadith towards reading the supplications directly as given by Nabi SAW. This would enable reaping the benefits of the supplications. Thus, it is advisable that the Arabic versions of these supplications be used.

7. Having intercourse with one wife in front of the other

Is it permissible for a man married to two or more woman to engage in sexual encounters with his wives all at once?

Meaning : can he have sex with one wife and have the second wife join, even if they can't see each other?.

Praise be to Allaah.

Having intercourse with one wife in the presence of the other and where she can see is something concerning which there should be no dispute that it is haraam.

1 – al-Hasan al-Basri said: They – meaning the Sahaabah and senior Taabi'een – used to regard wajs as makrooh, which means having intercourse with one when the other can hear the sounds. The word "makrooh" according to the earlier scholars means that it is haraam.

Narrated by Ibn Abi Shaybah in al-Musannaf, 4/388

2 – Ibn Qudaamah (may Allaah have mercy on him) said: If two wives agree to live together in one house, that is permissible, because they each have the right to their own house, but they may give up that right. Similarly they may agree to let him sleep between them in one bed. But if they agree to let him have intercourse with one of them when the other one is looking, that is not permissible, because it is vile and despicable and is not appropriate, and it does not become permissible even if they agree to it.

al-Mughni, 8/137

3 – al-Hajaawi the author of Zaad al-Mustanqi' said: It is makrooh to have intercourse where anyone can see.

Shaykh Ibn 'Uthaymeen commented on these words by saying:

It is very strange that he limited himself to describing it as makrooh. This covers two issues. The first is having intercourse where the awrahs of both partners can be seen. Undoubtedly limiting oneself to saying that this is makrooh is a mistake, because it is obligatory to cover the 'awrah. If it is in a place where anyone can see their 'awrahs, this is undoubtedly haraam, and what this author says is not correct at all.

The second is having intercourse in a place where the 'awrah cannot be seen. Limiting oneself to saying that this is makrooh is also subject to further discussion. For example, if they are covered with a blanket and he starts to have intercourse with her, and the movements can be seen. This is undoubtedly more likely to be haraam, because it is not appropriate for a Muslim to lower himself to such a level.

This may also provoke desire in the person who sees this, and that may lead to evil consequences.

The correct view concerning this matter is that it is haraam to have intercourse with a woman in view of anyone, unless the onlooker is a child who does not understand what is happening; in this case it does not matter. But if the child understands what is happening then intercourse should not take place where he can see, even if he is a child, because a child may speak about what he has seen unintentionally.

Sharh Kitaab al-Nikaah min Zaad al-Mustanqi', tape 17.

And Allaah knows best.

Islam Q&A

Oral Sex

1. Am I allowed to have oral sex with my wife as foreplay not actually swallowing any fluid?

You can kiss around the vagina and caress it. For you to suck her vagina is Makrooh (Highly reprehensible) and could even be Haraam due to the licking of impure vaginal fluids even if

these be minimal. All vaginal fluids emanating from the female are Najis impure (in terms of Hanafi fiqh). It is Haraam to lick and swallow such fluids.

Ahmed Fazel Ebrahim

2. Can I suck my husband's penis?

It is highly reprehensible for you to suck your husband's or any male's penis. It would become Haraam when the penis begins to leak with prostatic fluid (pre-semen lubricating fluid which is generally transparent) or with semen.

Also, the man cannot suck the wife's or any other woman's vagina.

Ahmed Fazel Ebrahim

3. Can the wife kiss her husband's penis?

Yes. Remember that kissing is different from sucking. Also, this does not imply that it should be kissed after it is removed from the female's vagina while it is wet with the vaginal fluids.

Ahmed Fazel

Anal Issues

1. Another man inserted his finger in my anus. Will this prohibit me from getting married to a chaste Muslim

I have committed oral sex (only oral sex, not zinaa or fornication) with a man. I have been feeling the utmost remorse about it. I can't sleep, I can't think of eating, and I have repented from my sins. May Allah (swt) accept my repentance.

This man inserted his little finger into my anus. Is this anal sex? Is anal sex only restricted to the insertion of the penis into the anus?

I am in love with a chaste man whom I wish to marry but I am unsure if the marriage will be permissible due to the above act. I cannot take back my sin, I can only ask for forgiveness from Allah (swt). Will my marriage to this chaste partner be legal?

Answer

Your marriage to the chaste person will be legal.

In regard to the other person having inserted his finger in your anus, it will not be anal sex since the definition of anal sex in Islam means "he inserted his actual penis in your anus". His insertion of his finger in your anus is a reprehensible act that is a manifestation of perversion of the mind resultant through reading erotic literature or viewing porn, etc...

Anal sex "penis in an anus" is Haraam even between married persons.

May Allah accept your repentance

Oral is also Haraam according to some scholars and Makruh Tahriemi according to others.

However such an act with a person to whom you are not married with is Haraam. It is a form of Zinaa but not the highest form thereof.

Unfortunately Muslim females have progressed in the Satanic art of unrestricted and immoral sexual behaviour. Thus, before marriage, the loving partners or the persons consenting to pleasure each other no more limit themselves to the Haraam act of kissing before marriage but also lay nude with each other, pleasure each other via oral or have sex. Resultantly, the respectably seeming Muslim sister or brother who subsequently marries a truly chaste person has in reality violated the rights of that chaste individual who deserved a chaste person.

No sane and morally upright Muslim male would like to marry a Muslim sister who did an oral or "Blow job" (in slang terms) to any man. Nor would a morally upright Muslim sister like to marry a Muslim male who did an oral or "Blow job or whatever it is called" (in slang terms) to any other woman.

In fact, a Muslim who uses his tongue to read Quran and Zikr does not deserve to passionately engage his tongue with a tongue that sucked the sperm of another. In fact such an act, besides its Islamic implications of sucking impure fluids, is also not even allowed between a husband and wife.

You are not required to disclose your past in this regard. Allah is All-Forgiving, All-Merciful. Allah will forgive you. We have also supplicated for your forgiveness.

The mental torture and agony you suffer in this regard is a good reminder that must eternally act as a barrier against engaging into adulterous acts and actual adultery. However, you must not eternally psychologically suffer in regard to this matter since that will harm your health and person. The act committed should reside deep behind in your memory cells brought to the foreground only when faced with similar situations. It must not be something by which you daily afflict your inner being. Allah is Most Forgiving Most Merciful and always waiting for His servants to repent.

Ahmed Fazel Ebrahim
Johannesburg, South Africa

2. Can I enter my wife's anus with a condom?

To enter her anus is haraam, even if it be with a condom. You can enter her vagina from behind with or without condom

Ahmed Fazel Ebrahim

3. A man's placing his finger/s in his wife's anus

When doing sex with my wife I use my fingers in her ass and vagina.

Firstly, the Shariah had prohibited anal sex immaterial of whatever form of joy any of the parties receive by in this form.

Placing your fingers in her anal passage is a dirty act. Such filthy forms of sexual conduct is proliferated via digital porn formats and printed porn.

You could caress her around her vagina before or after intercourse. As for placing your fingers in her vagina to sexually excite her would be a form of masturbation that has been allowed by the jurists between married persons.

Medically, by putting your finger in her anus, you placing your fingers in an area highly concentrated with bacteria. Does your personal level of hygiene not dictate to you to be clean.

It will be better for you to push your finger up your own anal passage and then taste it. This is appropriate medication for your perverted sexual tendencies.

Ustadh, Ahmed Fazel Ebrahim

4. Can my husband enter me from behind?

Yes he can have sex with you from behind provided that he enters your vagina and not your anal passage. He can have you in every conceivable position for as long as his penis enters your vagina.

The scholars of the Four Madhahib and other schools of the Ahlus-Sunnah unanimously, in the light of Qur'an, Sunnah, and the authentic Consensus of the Sahabah agree that sodomy is unconditionally forbidden (including with one's wife). It is declared as one of the major sins (kaba'ir).

Ustadh, Ahmed Fazel Ebrahim

5. Consensual Anal Sex

It's very natural to be slightly embarrassed or uncomfortable in the face of this issue but we have to admit that sex is a natural part of our existence. Also, teens and adolescents **will be curious and they will** search for answers. If they have nowhere or no one reliable to go to because of embarrassment, they will go to more readily available but unreliable or un-Islamic sources. This might end doing more harm than good. I hope providing this information will benefit everyone - parents and kids alike.

Anal intercourse with one's wife is a major sin, whether it occurs at the time of menstruation or not. The Prophet SAW (Peace & Blessings of Allah be upon Him) cursed the one who does this: "**Cursed is the one who approaches his wife in her rectum**" (**Reported by Imaam Ahmad, 2/479; see also Saheeh al-Jaami', 5865.**)

The Prophet SAW (Peace & Blessings of Allah be upon Him) also said: "**The one who has intercourse with a menstruating woman, or with a woman in her rectum, or who goes to a fortune-teller, has disbelieved in what was revealed to Muhammad.**" (**Reported by al-Tirmidhi, no. 1/243; see also Saheeh al-Jaami', 5918.**)

In spite of the fact that many wives of sound nature refuse this, there are some husbands who threaten their wives with divorce if they do not obey them (in this matter), and some even deceive their wives, who are too shy to ask scholars about it, into thinking that it is permissible. The Prophet SAW (Peace & Blessings of Allah be upon Him) said that a man may approach his wife in any way he likes, from the

front or the back, so long as intercourse takes place in the place from through which a child is born. There is no doubt that the rectum is the place from which waste matter is expelled, not the place from which a child is born.

Another reason why some may commit this immoral act is that they enter upon what should be a clean married life with some jaahili (ignorant) traditions and odd practices, or with memories of scenes from indecent movies, for which they have not repented to Allaah.

This act is forbidden even if both partners agree to it. Mutual consent to a haraam deed does not make it halaal.

I ask Allah to bestow upon us a proper understanding of His religion and to make us adhere to its limits, for He is the All-Hearing, the One Who answers prayers.

Taken from www.themodernreligion.com

6. He had anal intercourse with a foreign woman but they have repented. Is it permissible for them to get married?

Question:

We had anal intercourse, but we repented and regretted. We love each other very much we cannot separate. We want to marry and live a happy life. Is it permissible for us to get married?

We follow the ibadhi madhab, and it prohibits marriage between a man and a woman who committed adultery even if they repent. The evidence for this is that Umar ibn al-khattab separated a man who married a woman during her 'iddah and said: "they shall never be together", another evidence narrated by Ali, A'isha, and albaraa bin azeb, that "if a man and a woman who committed adultery got married, their relationship remains adultery forever". Trust cannot be there between two who tested each other before marriage. What is your opinion?

Answer:

Praise be to Allaah.

Firstly:

You should understand that looking for the right opinion on practical fiqhi matters is something good, and it indicates that a person is seeking the truth that Allaah has enjoined. Even better than this is that a Muslim should look for the correct belief that will save him from the misguided sects which the Prophet (peace and blessings of Allaah be upon him) spoke of. He said that there would be seventy-two sects, "all of which will be in the Fire" meaning that they are misguided and deserve this warning of Hell.

If you both regret what you did and have repented sincerely, then it is permissible for you to get married, and there is no reason why you should not do so.

As for what you say about 'Umar ibn al-Khattaab preventing the one who married a woman during her 'iddah from ever marrying her, it seems – if this is a sound report – that this was a punishment (ta'zeer) to the one who committed a sin, and it was not a confirmation of a shar'i ruling that this is haraam.

What you have quoted from some of the Sahaabah, that they ruled that a couple who committed zina and then get married would remain adulterers forever, may be understood as applying to those who did not repent.

Ibn Hazm (may Allaah have mercy on him) said:

It was narrated from Ibn Mas'ood that he said concerning the one who marries a woman after committing zina with her: They are still adulterers. Then he narrated that Saalim ibn 'Abd-Allaah ibn 'Umar was asked about a man who committed zina with a woman then married her. He said: Ibn Mas'ood was asked about that and he said: "*And He it is Who accepts repentance from His slaves*" [al-Shoora 42:25].

Ibn Hazm said:

The two opinions (of Ibn Mas'ood) are in harmony, because he only allowed marrying that woman after repentance. End quote.

Al-Muhalla (9/63)

And Allaah knows best.

Islam Q&A

7. My husband threatens to commit adultery if I do not allow him anal sex. Can I, in this case allow him anal sex if I fear getting divorced or loosing is love?

I m 26 years old and married. My husband wants me to perform oral sex and anal sex but I have heard that oral sex is prohibited in Islam and that performing anal sex breaks the nikah (marriage). Please guide me because my husband says that he wants me to satisfy him completely and if I wont then he would go to some other woman. He argues that if I say that it is not allowed in the Shariah (I wish may Allah bless him with real Imaan (Ameen).)... but what should I do, being a wife I don't want my husband to go for any other woman.. I want to satisfy him completely... please advice me what should I do. I'm in great trouble....- A Muslim sister

Reply

Oral is impermissible. Anal is Haraam but it will not annul the marriage between you and him. However, this does not imply, that you must therefore let him enjoy you in a Haraam format.

I know that as a married female it is very difficult to make certain choices. This is a test of your Imaan. You cannot be obedient to a man when he demands you to be disobedient to Allah. Thus, even if you have the fear of getting divorced, or fear that he will stop loving you and begin to engage in adultery then also, you should not

allow him to abuse you. Prevent him all cost to abuse you. Do not engage in oral or anal sex. If he divorces you, Allah will grant you a better man. Have patience (Sabr).

You must not let him have you anally or orally even if you think he is the best man that you ever came across.

Your brother in Islam
Ahmed Fazel

8. Who were the first group of people to do sodomy?

The people of Loot Alayhis Salaam. They lived in the vicinity of the Dead Sea. They were subsequently destroyed by Allah when they refused to stop.

9. The punishment for sodomy and lesbianism

المبسot للسرخي الحنفي

كتاب الحدو

(قال) ومنْ أتى امرأةً أحْبَبَهَا فِي دُبْرِهَا فَعَلَيْهِ الْحَدُّ فِي قَوْلِ أَبِي يُوسُفَ وَمُحَمَّدٌ رَّحْمَهُمَا اللَّهُ تَعَالَى وَاللَّعْزِيرُ فِي قَوْلِ أَبِي حَيْفَةَ رَحْمَهُ اللَّهُ تَعَالَى وَكَذَّاكَ الْوَاطِعُ عِنْدَ أَبِي حَيْفَةَ رَحْمَهُ اللَّهُ تَعَالَى يُوجِبُ التَّعْزِيرَ عَلَيْهِمَا وَعِنْدَهُمَا يُحَدَّنُ حَدَّ الزَّنَبِيَّا يُرْجَمَانِ إِنْ كَانَا عِنْدَهُمَا مُحْصَبِيْنَ وَهُوَ أَحَدُ قَوْلِي الشَّافِعِيِّ رَحْمَهُ اللَّهُ وَفِي قَوْلِ أَخَرَ قَالَ : يُقْتَلُنَ عَلَى كُلِّ حَالٍ لَمَّا رُوِيَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ : { أَفْتَلُوا الْقَاعِلَ وَالْمَفْعُولَ بِهِ } وَفِي رَوَايَةَ { أَرْجُمُوا الْأَعْلَى وَالْأَسْقَلَ } وَتَأْوِيلُ ذَلِكَ عِنْدَنَا فِي حَقِّ مَنْ أَسْتَحْلَ ذَلِكَ الْفَعْلَ ، فَإِنَّهُ يَصِيرُ مُرْتَدًا فُقْتَلَ ذَلِكَ وَهُوَ تَأْوِيلُ الْحَدِيثِ الَّذِي رُوِيَ { مَنْ أَتَى امْرَأَةَ الْحَاضِنَ أَوْ أَتَى امْرَأَةَ فِي عِنْدَهَا فَقَدْ كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ } يَعْنِي إِذَا أَسْتَحْلَ ذَلِكَ . (وَجَحْتَهُمَا) أَنَّ هَذَا الْفَعْلُ زَنَبٌ فَيَعْلَقُ بِهِ حَدَّ الزَّنَبِا بِالنَّصِّ ، فَلَمَّا مَنْ حَيَّتِ الْأَسْمَ فَلَمَّا زَنَبَنَا فَاحْشَةً ، وَهَذَا الْفَعْلُ فَاحْشَةً بِالنَّصِّ قَالَ اللَّهُ تَعَالَى { أَتَأْتُونَ الْفَاحْشَةَ } وَمَنْ حَيَّتِ الْمَعْنَى أَنَّ زَنَبَنَا فَعَلَ مَعْنَوِيَّ لَهُ غَرَضٌ وَهُوَ إِيَّاجُ الْفَرْجِ فِي الْفَرْجِ عَلَى وَجْهِ مَحْظُورِ لَهُ شَبَهَةَ فِيهِ لِفَصْدِ سَقْحِ الْمَاءِ وَقَدْ وَجَدَ ذَلِكَ كُلُّهُ ، فَإِنَّ الْفَبْلَ وَالْدُّبْرَ كُلُّ وَاحِدٍ مِنْهُمَا فَرْجٌ يَجِبُ سُتْرُهُ شَرْعًا ، وَكُلُّ وَاحِدٍ مِنْهُمَا مُشَنَّهٌ طَبْعًا حَتَّى إِنَّ مَنْ لَا يَعْرِفُ الشَّرْعَ لَا يَقْصِلُ بَيْنَهُمَا ، وَالْمَحَلُّ إِنَّمَا يَصِيرُ مُشَنَّهٌ طَبْعًا لِمَعْنَى الْحَرَارَةِ وَاللَّيْنِ وَذَلِكَ لَا يَخْتَلِفُ بِالْفَبْلِ وَالْدُّبْرِ وَلَهُذَا وَجَبُ الْأَعْتَسَلُ بِنَفْسِ الْإِيَّاجِ فِي الْمَوْضِعِيْنِ وَلَا شَبَهَةَ فِي تَمَحُضِ الْحَرْمَةِ هُنَّا ؛ لِأَنَّ الْمَحَلُّ بِالْأَعْتَيَارِ الْمُلْكِ ، وَيَنْصُورُ هَذَا الْفَعْلُ مَمْلُوكًا فِي الْفَبْلِ وَلَا يَنْصُورُ فِي الْدُّبْرِ فَكَانَ تَمَحُضُ الْحَرْمَةِ هُنَّا أَبْيَنَ ، وَمَعْنَى سَقْحِ الْمَاءِ هُنَّا أَبْلَغُ مِنْهُ فِي الْفَبْلِ ؛ لِأَنَّ هَذَا الْمَحَلُّ مِنْتَ فَيَتَوَهَّمُ أَنَّ يَكُونَ الْفَعْلُ حَرَثًا وَإِنْ لَمْ يَقْصِدُ الزَّانِي ذَلِكَ ، وَلَا تَوَهَّمُ هُنَّا فَكَانَ تَضِيِّعُ الْمَاءِ هُنَّا أَبْيَنَ ، وَلَيْسَ هُنَّا الْكَلَامُ عَلَى سَبِيلِ الْقِيَاسِ فَالْحَدُّ بِالْقِيَاسِ لَا يَبْتَتْ وَلَكِنَّ هَذَا إِيَّاجُ الْحَدِّ بِالنَّصِّ وَمَا كَانَ اخْتِلَافُ اسْمِ الْفَاعِلِ فِي الْفَبْلِ وَرَدَ بِالْحَدِّ فِي حَقِّ مَا عَزَّ رَضِيَ اللَّهُ عَنْهُ ، فَإِيَّاجُ الْحَدِّ عَلَى الشَّيْرِ بِذَلِكَ الْفَعْلِ لَا يَكُونُ قِيَاسًا ، فَكَذِلِكَ هُنَّا وَرَدَ النَّصُّ بِإِيَّاجِ الْحَدِّ عَلَى مَنْ بَاشَرَ هَذَا الْفَعْلُ فِي مَحَلٍ هُوَ قَبْلٌ فَإِيَّاجَاهُ عَلَى الْمُبَاشِرِ فِي مَحَلٍ هُوَ دُبْرٌ بَعْدَ ثَبَوتِ الْمُسَاوَةِ فِي جَمِيعِ الْمَعْانِي لَا يَكُونُ قِيَاسًا وَأَبُو حَيْفَةَ رَحْمَهُ اللَّهُ تَعَالَى يَقُولُ : هَذَا الْفَعْلُ لَيْسَ بِزَنَبٍ لِغَةً ، أَلَا تَرَى أَنَّهُ يَنْقِي عَنْهُ هَذَا الْأَسْمَ يَأْثِيَاتٍ غَيْرَهُ ؟ فَيَقُولُ : لَاطٌ وَمَا زَنَبٌ ، وَكَذِلِكَ أَهْلُ الْلُّغَةِ فَصَلَوَا بَيْنَهُمَا قَالَ الْقَانِلُ : مَنْ كَفَّ ذَاتَ حَرٍّ فِي زَيْ ذَيْ ذَرٍّ ذَرَ لَهَا مُهْبَنَ لَوْطِي وَرَنَاءَ فَقَدْ عَيْرَ بَيْنَهُمَا فِي الْأَسْمَ وَلَا بَدَّ مِنْ اعْتِيَارِ اسْمِ الْفَعْلِ الْمُوْجِبِ لِلْحَدِّ ، وَلَكِهَا لَيْسَ بِالْفَعْلِ الْمُوْجِبِ لِلْحَدِّ وَالْمُنْتَهِبِ . وَالَّذِي وَرَدَ فِي الْحَدِيثِ أَنَّ الرَّجُلَ الرَّجُلَ فَهُمَا زَانِيَانِ } مَجَازٌ لَا تَبَثُّ حَقِيقَةَ الْلُّغَةِ يَهُ وَالْمَرَادُ فِي حَقِّ الْإِثْمِ ، أَلَا تَرَى أَنَّهُ قَالَ { وَإِذَا أَتَتِ الْمَرْأَةُ الْمَرْأَةَ فَهُمَا زَانِيَانِ } وَالْمَرَادُ فِي حَقِّ الْإِثْمِ دُونَ الْحَدِّ ، كَمَا أَنَّ اللَّهُ تَعَالَى سَمِّيَ هَذَا الْفَعْلُ فَاحْشَةً سَمِّيَ كُلَّ كَبِيرَةً فَاحْشَةً فَقَالَ { وَلَا تَغْرِبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ } ثُمَّ هَذَا الْفَعْلُ دُونَ الْفَعْلِ فِي الْفَبْلِ فِي الْمَعْنَى الَّذِي لَأْجَلَهُ وَجَبَ حَدَّ الزَّنَبِ مِنْ وَجْهِيْنِ : أَحَدُهُمَا ، أَنَّ الْحَدَّ مَشْرُوعٌ رَجْرًا وَطَبْعُ كُلِّ وَاحِدٍ مِنْ الْفَاعِلِيْنِ يَدْعُوا إِلَى الْفَعْلِ فِي الْفَبْلِ وَإِذَا أَنَّ الْأَمْرَ إِلَى الدُّبْرِ كَانَ الْمَفْعُولُ بِهِ مُمْتَنَعًا مِنْ ذَلِكَ بَطْبَعِهِ فَيَمْكُنُ لِلْفَقَصَانِ فِي دُعَاءِ الطَّبْعِ إِلَيْهِ ، وَالثَّانِي : أَنَّ حَدَّ الزَّنَبِ مَشْرُوعٌ صِيَانَةً لِلْفَرَاشِ ، فَإِنَّ الْفَعْلِ فِي الْفَبْلِ مَقْسُدٌ عَلَيْهِ وَسَلَمَ فِي قَوْلِهِ { وَوَلَدُ الزَّنَبِ شَرُّ الْثَّالِثَةِ } . وَإِذَا أَنَّ الْأَمْرَ إِلَى الدُّبْرِ يَعْدُمُ مَعْنَى فَسَادِ الْفَرَاشِ ، وَلَا يَجُوزُ أَنْ يُجْبِرَ هَذَا الْفَقَصَانُ بِزِيَادَةِ الْحَرْمَةِ مِنْ الْوَجْهِ الَّذِي قَالَا ؛ لِأَنَّ ذَلِكَ يَكُونُ مُقَائِسَةً ، وَلَا مَذْكُلٌ لَهَا فِي الْحَدُودِ ، ثُمَّ

اختلاف الصحابة رضي الله عنهم في هذه المسألة قال مرويٌّ عن أبي بكر الصديق رضي الله عنه أنه أهْمَا يحرقان بالنار وبه أمر في السبعة الذين وجدوا على اللواطه، وكان على رضي الله عنه يقول : يجذن إن كانا غير محسنين ويرجمان إن كانوا محسنين ، وكان ابن عباس رضي الله عنهمما يقول : يعلى أعلى الأماكن من القرية ثم يلقي مكتوساً فيتبع بالحجارة وهو قوله تعالى { فجعلنا عاليها ساقلها وأمطرنا عليهم حجارة } الآية ، وكان ابن الزبير رضي الله عنه يقول يحبسان في أثنتن المواقع حتى يموتا نتنا ، وقال أبو يوسف ومحمد رحمة الله تعالى أتفق الصحابة رضي الله عنهم الله لنا يسلم لهما أنفسهما ، وإنما اختلفوا في كيفية تغطية عقوبتهم فأخذنا بقولهم فيما اتفقا عليه ورجحنا قول علي رضي الله عنه بما يوجب عليهم من الحد وأبو حنيفة رحمة الله يقول : الصحابة اتفقوا على أن هذا الفعل ليس بذنباً ; لأنهم عرفوا نص الزنا ومع هذا اختلفوا في موجب هذا الفعل ، ولما يُظْنُ بهم الاجتهاد في موضع النص فكان هذا اتفقاً منهم أنَّ هذا الفعل غير الزنا ولما يُمْكِنُ إيجاب حد الزنا بغير الزنا بقيت هذه جريمة لا عقوبة لها في الشرع مقدرة فيجب التغزير فيه بقيتنا ، وما وراء ذلك من السياسة موكول إلى رأي الإمام إن رأى شيئاً من ذلك في حق فله أن يفعله شرعاً

10. Anal sex between a married couple does not break the marriage although it is Haraam

Question

I got married 6 years ago. After nikaah I had anal sex with my wife. A year after that I gave two divorces to my wife in anger . Time passed and again on two occasions I gave her talaq once thrice and once one time.

I then contacted a scholar to put me wise on the issue he said that since I had anal sex with my wife after the nikaah so after the anal sex my nikaah was void and since I gave her the divorces after that thus they did not take effect. Please put me wise whether my nikaah is there or has it broken what is the status of the divorces that I had uttered.

Response

Anal sex is Haraam but does not end or terminate a valid Shariah marriage.

You subsequently gave two talaaqs. I presume you took her back in her iddah after the two talaaqs (if these were clear or Raj'ie talaaqs) or made a new nikah with her after the iddah of the two talaaqs.

You followed this with another talaaq (immaterial if this was three divorces in one expression, three divorces in separate expressions which followed each other, or only one divorce). This therefore ends your marriage. The subsequent divorce given thereafter (immaterial if this was three divorces in one expression, three divorces in separate expressions which followed each other, or only one divorce) has no effect whatsoever.

This response is in terms of Hanafi fiqh.

Ustadh, Ahmed Fazel

11. Can we have anal sex if we dont want to have children?

Answer:

No.

12. The curse of Rasulullah SAW on those doing anal sex

Anal sex is prohibited by ijma (scholarly consensus), because of the clear texts prohibiting it. [Ibn Qudama, *al-Mughni*]

The Messenger of Allah (peace and blessings be upon him) cursed the one who engages in anal sex. [Musnad Ahmad]

When the Messenger of Allah (peace and blessings be upon him) has cursed an act , it means that the act is prohibited by Allah, doing it distances you from His mercy, and that since the act is Divinely prohibited, the curse would lead the "cursed" (mal`un) to be punished in some way or the other. Thus, the person who has perpetrated such an act should seek forgiveness, otherwise the curse is bound to effect him since it was uttered by a prophet whose supplications and curses would be accepted. The Messenger of Allah (peace and blessings be upon him) cursed certain matters in order that we take admonition and avoid them.

There is grave spiritual harm and there would definitely be physical, or other forms of harm in such an act.

13. Inserting ice in the wife's anus

Fatwa No. : 92694

Fatwa Title : His wife asks him to insert a penis – shaped ice item in her anus during intercourse

Fatwa Date : 03 Muharram 1428 / 22-01-2007
Question

Firstly I apologise for any inconvenience I cause to you due to this question. I am going to be open with you. My wife and I both know that anal sex is haram. My wife has some desires. She wants me to perform intercourse with her (vaginal) and at the same time me to insert a piece ice in a shape of a penis in to her rectum. Is this act permissible for us. I apologise again.

Fatwa

All perfect praise be to Allaah, The Lord of the Worlds. I testify that there is none worthy of worship except Allaah, and that Muhammad ﷺ is His slave and Messenger.

It is permissible for each spouse to enjoy the entire body of the other, to look at it and touch it even the private parts with the exception of the two following matters:

- 1) To have sexual intercourse in the vagina when the wife is in menses or during post partum bleeding.
- 2) To have anal sex.

There is evidence in the Book of Allaah and the Sunnah of the Prophet ﷺ that the above two cases are prohibited. Apart from the two above cases, everything else is permissible.

However, what you mentioned could lead to something more obnoxious which is

anal sex. Indeed, the devil lures a person step by step until he leads him to commit major grave sins, by inciting him to commit small sins at the beginning, and then he gradually moves him until he leads him to destruction.

Indeed, the Prophet ﷺ gave us a clear example as he ﷺ said: "... *The example of this is like the shepherd who grazes his herd in the vicinity of an exclusively reserved pasture but it is always apprehensive that some of his animals might get into the pasture.*"

Moreover, this practice (putting ice in the anus) could cause a health problem, or one may touch an impurity when doing so, and it is enough to say that each one of these two things is forbidden.

For more benefit on the ruling of inserting objects in the anus in general, please refer to Fataawa [89146](#) and [89475](#).

Allaah Knows best.

Fatwa answered by: The Fatwa Center at Islamweb

14. The Islamic position on homosexuality

THE ISLAMIC POSITION ON HOMOSEXUALITY

In today's society we are observing a dramatic change of attitude within the populous. While secularism is being highly promoted, people are becoming more and more unconscious of Allah (God). Many have and are resorting to denying Him and thus severing all ties with Him. The immediate consequence of this is that such people begin a gradual process of losing the sense of distinguishing between right and wrong and eventually all wrong becomes right to them. When they reach this stage they will do whatever is in their means to justify the wrong they are engaged in until it becomes acceptable to the people around them who are opposing them. Today there are many innovative or unnatural actions within our society that people are indulged in, some more than others. Among the many that we are currently witnessing, one of the most outstanding ones is homosexuality.

Here in Canada, gay movements have existed for a considerable amount of time. For many years they have been working hard towards the goal of complete acceptance of the homosexual lifestyle within society as the moral equivalent of heterosexuality. Their advancements have reached to the stage that in February 2005 a bill is scheduled to be proposed in Parliament in which the term 'marriage' will be redefined in a manner that it will be inclusive of gay and lesbian marriage: If passed, they will be entitled to all the benefits, rights and privileges enjoyed by heterosexual couples and all institutions except religious ones (for a short period of time) will be subjected to state enforcement.

While Canadians stand divided on the issue of whether homosexuality in general and gay marriages in specific is acceptable, the unfortunate thing which we are witnessing today is that some 'muslims' are in support of homosexuality and gay marriages claiming that there is nothing wrong with it in Islam. In order to verify this claim it is important that we refer to the book of our Creator and the teachings of our Prophet (s.a.w.), for Allah has instructed us;

"And if you disagree over anything, refer it to Allah and the Messenger if you believe in Allah and the last day. That is the best (way) and best in result". (Holy Quran 4:59)

When turning to the Quran we find that we are all the descendants of one man i.e. Adam (a.s.) Allah states,

“O mankind, fear your Lord who created you from one soul...” (Holy Quran 4:1).

After creating the first of mankind, Allah created from him a female partner, He mentions,

“...and he created from it its mate ...” (Holy Quran 4:1) i.e. Hawwa (a.s.) who was created from the left rib of Adam (a.s.). Allah then further mentions the purpose of creating a female partner for Adam (a.s.), by stating,

“... and dispersed from both of them many men and women..” (Holy Quran 4:1) i.e. for the sake of procreation. This point has been further elaborated in another verse in which Allah states,

“And Allah has made for you from yourselves mates and has made for you from your mates sons and grandsons...” (Holy Quran 16:72).

From these verses it becomes evident that the aim of Allah creating a female mate for a man and instilling within them carnal desires is to achieve procreation in order to preserve the human race here on earth. Thereafter Allah has limited lawful procreation between man and woman who are joined in the union of marriage, Allah mentions,

“And they who guard their private parts. Except on their wives..., for indeed they will not be admonished. But whoever seeks beyond that, then those are the transgressors.” (Holy Quran 23: 5 - 7).

In this verse Allah has ruled out all other forms of sexual activities, whether natural or unnatural as unlawful and forbidden. This includes homosexuality. Allah has then closed all the doors of those avenues that would lead one towards falling victim to these unlawful acts by ordering,

“And do not approach unlawful sexual intercourse, indeed it is ever an immorality and is evil as a way.” (Holy Quran 17:32)

Homosexuality is negatory of the natural role and aim of sexual activity. Its tendency's were no where to be found in the first inhabitants of this earth. This unnatural practice originated in the satanic influenced people who dwelled in Sodom and Gomorrah during the era of Ibrahim (a.s.). In order that they should abandon this immorality, Allah had sent to them Lut (a.s) [the nephew of Ibrahim a.s.] as a Prophet. Allah relates,

“And (we had sent) Lut when he said to his people, “Do you commit such immorality as no one has preceded you with from among the worlds (i.e. peoples)? Indeed you approach men with desire, instead of woman! Rather you are a transgressing people”. (Holy Quran 7:80-81)

But the people of Sodom and Gomorrah were not very receptive to Lut (a.s) nor did they accept his message and advise. Rather they outright rejected him, became very sarcastic towards him and began issuing threats to him as Allah explains,

“The people of Lut rejected the messengers. When their brother Lut said to them, “Will you not fear Allah? Indeed I am for you a trustworthy messenger. So fear Allah and obey me. And I do not ask you for it any payment. My reward is only from the Lord of the worlds. Do you approach males among the worlds and leave what your Lord has created for you as your mates? But you are a transgressing people!” They said (in response), “If you do not desist, O Lut, you will surely be of those evicted”

(Holy Quran 26:160-167)

However Lut (a.s.) did not give up his duty and continued to invite them towards the truth and a moral way of life until finally the city dwellers began to demand the exile of Lut (a.s.) as Allah relates,

"But the answer of his people was only that they said, "Expel the family of Lut from your city! Indeed they are people who keep themselves pure". (Holy Quran 27:56)

At that point Lut (a.s.) turned to Allah and supplicated,

"My Lord, save me and my family from (the consequence of) what they do:" (Holy Quran 26:69)

Allah accepted this prayer and saved his family as He states,

"So we saved him and all his family. Except an old woman (Lut's wife) among those who remained behind (due to her disbelief). Then we destroyed the others." (Holy Quran 26:170 -173)

Allah explains in another verse as to how these people were destroyed.

"So the shriek seized them at sunrise. And we made the highest part (of the city) it's lowest and rained upon them stones of hard clay. Indeed in that are signs for those who discern!" (Holy Quran 15: 73-74)

From this incident one can clearly observe how loathsome homosexuality is to Almighty Allah for He sent upon these people multiple punishments such as has never been witnessed before, all in succession. It is for this reason the Prophet (s.a.w.) has expressed,

"Indeed the most frightening thing I fear upon my nation is the practice of the people of Lut." (Ibn Majah, Tirmidhi, Hakim)

In another narration reported by Tabrani in his 'Al-Awsat' on the authority of Abu Hurairah (r.a.) the Prophet (s.a.w.) has further clarified the position of a homosexual in the eyes of Allah by stating,

"Allah has cursed seven (groups) from his creation, from above his seven skies and he has repeated the curse upon one of those groups three times. He has cursed each one of them (i.e. those groups) with such a curse which will suffice them (for their destruction)". He (then) said, "Cursed is the one who practices the act of the People of Lut! Cursed is the one who practices the act of the People of Lut! Cursed is the one who practices the act of the People of Lut!..". (Tabrani in Al-Awsat)

The Prophet (s.a.w.) has also explained the outcome of that society in which this unnatural practice becomes prevalent. Ibn Umar (r.a.) has narrated,

"The Messenger of Allah (s.a.w.) turned towards us and said, "Never does indecency emerge within a people to the extent that they publicize it except plague and torments spread within them, the likes of which have not passed in their predecessors who have passed away." (Ibn Majah, Bazzar, Baihaqi).

Jabir bin Abdullah (r.a.) has related,

"The Prophet (s.a.w.) said, "...And when sodomy increases Allah lifts His hand from

the creation (thereafter) He does not care in which valley they perish.” (Tabrani)

From all this information it becomes clear that homosexuality has no place in Islam. This act is such that it is not even observed among beasts and a person who engages in it intensifies Allah's anger to the extent that Allah will not even consider looking at him. Ibn Abbas (r.a.) has narrated,

“The Messenger of Allah (s.a.w.) mentioned, “Allah does not glance towards that man who approaches another man or woman (for fulfilment of his sexual desires) in (their) anus.” (Tirmidhi).

May Allah save us all from developing such an unnatural habit and give us the ability to help those who are deviating far from the natural ways instructed by Almighty Allah. *Ameen.*

Jami'yyatul Ulama Canada - Sh. Omar Subedar

Masturbation

1. During menstruation, I am obviously not allowed to have intercourse with my wife. Is my wife allowed to masturbate for me with her breast or hands?

It is impermissible for her to personally masturbate herself before you immaterial if this excites you.

However, it is permissible for her to masturbate you with her hands immaterial whether she is in menstruation or not.

رد المحتار (المذهب الحنفي)

(قوله الاستمناء حرام) أي بالكاف إذا كان لاستحلاب الشهوة، أما إذا غلبته الشهوة وليس له زوجة ولا أمة ففعل ذلك لسكنها فالرجاء أنه لا وبال عليه كما قاله أبو الليث، ويجب لوحاف الزوجة (قوله كره) الظاهر أنها كراهه تنزيه؛ لأن ذلك ينزلة ما لوحاف بتغريد أو تبطين تأمل وفمنا عن المراج في باب مقدرات الصوم: يجوز أن يستمني بيد زوجته أو خادمه، وانتظر ما كتبناه هناك (قوله ولا شيء عليه) أي من حد وتعزير، وكذا من إثم على ما فعله

The above text indicates that the Hanafi view allows a woman to masturbate her husband

أسنى المطالب (المذهب الشافعى)

(وله الاستمناء بيد زوجته وجارته) كما يستمني بسائر بذاته (لإدله) لقوله تعالى {والذين هم لفروعهم حافظون إلأ على أزواجهم} إلى قوله {فمن ابتغى وراء ذلك فأولئك هم العادون} وهذا مما وراء ذلك

The above text indicates that the Shafi view allows a woman to masturbate her husband

كتاب القناع عن متن الإقناع (في المذهب الحنفي)

(وللزوج الاستمتع بزوجته كل وقت على أي صفة كانت إذا كان الاستمتع في قبل (من جهة عجائزها) لقوله تعالى {نساؤكم حرث لكم فاثروا حرثكم أى شئتم} والحرم مختص بالدبر دون سواه (ما لم يشغلها عن القراءض أو يضرها) فليس له الاستمتع بها إذن لأن ذلك ليس من المعاشرة بالمعروف وحيث لم يشغلها عن ذلك ولم يضرها فله الاستمتع (ولو كانت على شور أو على ظهر قلب) كما رواه أحمد وغيره . (وله الاستمتع بيدها وياتي في التعزير فإن زاد) الزوج (عليها في الجماع صلوح على شيء منه) قال أبو حفص والقاضي . (قال القاضي لاته غير مفتر فرجع إلى اجتهاد الإمام) قال الشيخ نقى الدين : فإن تنازعاً فينبغي أن يقرضه الحاكم كالنفقة وكوطنه إذا زاد قال في النصاف ظاهر كلام أكثر الأصحاب خالف ذلك وأن ظاهر كلامهم ما لم يشغلها عن القراءض أو يضرها (وجعل) عبد الله ابن الزبير لرجل (أربعاً بالليل وأربعاً بالنهار وصالح أنس رجلاً استعدى على امرأته على سلة ولما يكره الجماع في ليلة من الليالي ولما يوم من الأيام وكذا السفر والتقصيل والخياطة والغزل والصناعات كلها) لا تكره في ليلة من الليالي ولما يوم من الأيام حيث لا يودي إلى إخراج فرض عن وقته . (ولما يجوز لها) أي للمرأة (تطوع بصناعة ولما صوم وهو مشاهد إيا يادته ولما تاذن في بيته إيا يادته) لقوله - صلى الله عليه وسلم - {لَا يحل لامرأة أن تصوم وزوجها شاهد إيا يادته ولما تاذن في بيته إيا يادته وما انفقت من نفقة بغير ادته فإنه يرد عليه يشطر رواه البخاري (ويحرم وطهها في الحيض) لقوله تعالى {واعتنوا النساء في الحيض} وكذا نفاس .) وتقديم (ذلك (وحكمة وطه المستحاشة في باب الحيض) فيحرم وطهها من غير حوق عن ممتهن أو ممتهن) ويرحم (الوطه في الدبر) لقوله - صلى الله عليه وسلم - {إِنَّ اللَّهَ لَا يَسْتَحِي مِنَ الْحَقِّ لَا تأثُرُ النِّسَاءُ فِي أَدِيَارِهِنَّ} وعنه أبي هريرة وأبي عباس مرفوعاً : {لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ جَامِعٍ امْرَأَةً فِي دُبُرِهَا} رواهما ابن ماجه . وعن أبي هريرة مرفوعاً {من أتى حائضاً أو امرأة في دبرها ، أو أتى عرافاً فصدقه فقد كفر بما اتى} على محمد {رواه الثاير وقوله تعالى {نساؤكم حرث لكم فاثروا حرثكم أى شئتم} . فروى جابر قال "كان اليهود يقولون إذا جامع الرجل امرأة في فرجها من ورائها جاء الأول أحوال " فأنزل الله تعالى {نساؤكم حرث لكم فاثروا حرثكم أى شئتم} من بين يديها ومن خلفها غير أن لا يائتها إلها في المائة متفق عليه . وفي رواية أيتها مقبلة ومدبرة إذا كان ذلك في القراءج (فإن فعل) أي وطتها في الدبر (عذر) إن علم حرمته لارتكابه معصية لا حد فيها ولما كفارة . (وإن تطاوغاً) أي الزوجان (عليه) أي على الوطه في الدبر فرق بينهما (أو أكثرها) أي أكثر الرجل زوجته على الوطه في الدبر (ولهمي) عنه (فلم يته فرق بينهما قال الشيخ كما يفرق بين الرجل الفاجر وبين من يصر عليه من رقيقه انتهى . (وله التلذذ بين الليتين من غير إلباح) في الدبر وقال ابن الجوزي في السر المقصون : كره العلماء الوطه بين الليتين لاته يدعوا إلى الوطه في الدبر وجزم به في الفضول قال في الفروع كذا قالا (وليس لها) أي الزوجة (استدلال ذكره وهو نائم) في فرجها (بلا ادته) لاته تصرف فيه بغير ادته (ولها) أي الزوجة (لمسه وتفقيمه يشهوه) ولو نائماً .) وقال القاضي يجوز تقبيل فرج المرأة قبل الجماع وبكره بعده (لتعذرها إذن) (وتقديم في كتاب التكاح) وقال الشافعي النظر إلى فرج المرأة يضعف البصر وكذا الجلوس مسندبر القبلة وكذا النظر للقادرات .

The above text indicates that the Hambali view allows a woman to masturbate her husband

مطالب أولى النهى في شرح المنتهى (المذهب الحنفي)

(وله) أي : الزوج (الاستمتع) بزوجته من أي جهة شاء (ولو) كان (من جهة العجينة في قبل) لقوله تعالى : {نساؤكم حرث لكم فاثروا حرثكم أى شئتم} . والحرم مختص بالدبر ، دون ما سواه (ما لم يضر) استمتعها بها (أو يشغل) استمتعها بها (عن فرض) وحيث لم يضرها ، ولم يشغلها عن ذلك فله الاستمتع (ولو كانت على شور أو ظهر قلب) وتحوه كما رواه أحمد وغيره (وله الاستمتع بيدها ، ولما يكره جماع في ليلة من الليالي أو يوم من الأيام وكذا السفر والتقصيل والخياطة والغزل والصناعات كلها) لا تكره في ليلة من الليالي ، ولما يوم من الأيام حيث لا يودي إلى إخراج فرض عن وقته .

الموسوعة الفقهية
الاستمتع عن طريق الزوجة : 14 - أغلب الفقهاء على جواز الاستمتع بالزوجة ما لم يوجد مانع ، لاته محل استمتعها ، كما لو أتزل بتغطية أو تبطن ، ولبيان المانع انظر (حيض ، نفاس ، صوم ، اعتكاف ، حج) . وقال بكراته بعض الحنفية والشافعية ، نقل صاحب الدر عن الحوهرة : ولو مكن امرأته من العبث يذكره فأنزل كره ولما شيء عليه ، غير أن ابن عابدين حملها على الكراهة التزويجية . وفي نهاية الزين : وفي فتاوى القاضي : لو عمرت المرأة ذكر زوجها بيدها كره وإن كان يادته إذا أمنى ، لاته يشبة العزل ، والعزل مكروه .

مواهب الجليل في شرح مختصر الخليل
فصل في بيان حكم الحيض والنفاس

ص (أو تَحْتَ إِزارِ) ش : قَالَ أَبْنُ عَازِيٍّ : ظَاهِرُهُ أَنَّهُ يَجُوزُ لَهُ الْإِسْتِمْنَاعُ بِيَدِهَا وَلَا أَعْلَمُ أَحَدًا مِنْ أَهْلِ الْمَدْهَبِ
صَرَّحَ بِذَلِكَ وَقَدْ صَرَّحَ بِجَوَازِهِ أَبُو حَمَدٍ فِي الْإِحْيَاءِ . (فَلْتُ) ، وَلَا شَكَّ فِي جَوَازِهِ ، وَعُمُومُ نُصُوصِهِمْ
كَالصَّرِيقَةِ فِي ذَلِكَ قَالَ أَبْنُ يُونُسَ قَالَ مَالِكٌ : وَالْحَانِصُ شَدَّ إِزارَهَا وَشَانَهُ يَاعْلَاهَا ، كَذَلِكَ رُوِيَّ عَنْ رَسُولِ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ فِي الْبُخَارِيِّ وَالْمُوَطَّدِ قَالَ أَبْنُ الْقَاسِمِ وَقُولُهُ : شَانَهُ يَاعْلَاهَا ، أَيْ : يُجَامِعُهَا فِي
أَعْكَانِهَا وَبَطْلِهَا ، أَوْ مَا شَاءَ مِنْهَا مِمَّا هُوَ أَعْلَاهَا ، انْتَهَى . قَالَ أَبْنُ بَشِيرٍ : لَا خِلَافٌ فِي جَوَازِ الْوَطْعِ فِيمَا فُوقَ
الْإِزارِ ، انْتَهَى . بِالْمُعْنَى .

شرح مختصر الخليل للخرشي
باب الطهارة - فصل في الحيض

أَيْ وَمَنْعِ الْإِسْتِمْنَاعِ بِمَا تَحْتَ إِزارِ وَهُوَ مَا بَيْنَ السُّرَّةِ وَالرُّكْبَةِ هُمَا خَارِجَانِ وَيَجُوزُ بِمَا فُوقُهُ لِقُولِهِ عَلَيْهِ الصَّلَاةُ
وَالسَّلَامُ { الْحَانِصُ شَدَّ إِزارَهَا وَشَانَهُ يَاعْلَاهَا } قَالَ أَبْنُ الْقَاسِمِ شَانَهُ يَاعْلَاهَا أَيْ يُجَامِعُهَا فِي أَعْكَانِهَا وَبَطْلِهَا
أَوْ مَا شَاءَ مِمَّا هُوَ أَعْلَاهَا أَهْ ، وَيُوْخَدُ مِنْ هَذَا جَوَازُ اسْتِمْنَاعِهِ فِي يَدِهَا

شرح مختصر الخليل للخرشي
باب أحكام الحج والعمرة
فصل حرم بالإحرام على امرأة

اعْلَمُ أَنَّ اسْتِمْنَاعَ الشَّخْصِ بِيَدِهِ حَرَامٌ حَشِيَ الرِّتَنَا أَمْ لَا لَكُنْ إِنْ لَمْ يَنْدَعُ عَنْهُ الرِّتَنَا إِنَّا بِهِ قَدَّمْنَا عَلَيْهِ ارْتِكَابًا لِأَخْفَفَ
الْمَقْسُدَيْنِ وَفِي اسْتِمْنَاعِهِ بِيَدِ زَوْجِهِ خِلَافٌ وَالرَّاجِحُ الْجَوَازُ

The madhab which allow a female to masturbate her husband would likewise allow their husbands to masturbate them during periods when they are not in menstruation. However, the husband's allowance for masturbating his wife is through the use of his natural hands and fingers. Thus, a dildo or any other sexual toy to pleasure the female should not be used

Ahmed Fazel Ebrahim

1.1 I want to know if it is permissible for me to masturbate not alone but only while am having sex with my husband because that is the only way i can enjoy sex with him?

Yes, it is permissible. (Shaami vol.2 pg.399; HM Saeed)

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai
FATWA DEPT. (Askimam website)

Note:

I think this allowance is limited to when a woman's husband masturbates her. It would not be allowed for her to masturbate herself.

2.1 Hanafi view on the impermissibility of masturbation. Al-Azhar Fatwa

The following view also advocates that punishment ought to be given to a person who masturbates.

الكتاب : فتاوى دار الإفتاء لمدة مائة عام
الباب : من أحكام الممنوعات والمباحات .

الموضوع (612) حكم الاستمناء.
المفتى : فضيلة الشيخ محمد بخيت.
جمادى الثانية 1335 هجرية - 3 ابريل 1917 م.

المبادئ :

- الاستمناء بالكف حرام ويعزز فاعله شرعا.
- لا يحل الاستمناع بغير الزوجة والأمة.

سئل : إن عادة الاستمناء باليد قد فشت في القطر المصري بين الشبان، فقام بعض الأطباء ينهونهم عنها ويبينون أخطارها العظيمة لكي يرتدع كل عنها وقد قال بعض الناس إنها من ضروب الزنا أي أنها محرمة. وقام فريق آخر ينافشهم في ذلك بدعوى أن الله سبحانه وتعالى إنما حرم الزنا منعا لاختلاط النسل ومن ذلك ينشأ ضرر المجموع. ولما كانت عادة الاستمناء تضر ب أصحابها جسمانيا إلا إنما لا تحدث نسلا فلاتكون إذن من الزنا. فرجو حل هذه المشكلة.

أجاب : اطلعنا على هذا السؤال. ونفيده أنه قال في شرح الدر ما نصه (في الجوهرة الاستمناء حرام وفيه التعزير) كما أنه صرخ في رد المحتار على الدر المختار بأنه لو أدخل ذكره في حافظ ونحوه حتى أمنى أو استمنى بكته بحال يمنع الحرارة يائمه أيضا. وقد استدل الزيلعى على عدم حل الاستمناء بالكف بقوله تعالى {والذين هم لفروجهم حافظون إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين. فمن ابتغى وراء ذلك فلوالنك هم العادون} المؤمنون 5 - 7 ، وقال فلم يبح الاستمناع إلا بهما أي الزوجة والأمة. ففأفاد عدم حل الاستمناع أى قضاء الشهوة بغيرهما. وقد استدل صاحب الدر على ذلك بحديث (ناكح اليد ملعون) ومن ذلك يعلم أن الاستمناء بالكف على وجه ما جاء بالسؤال حرام يعزز فاعله شرعا.

الأم
الشافعي
كتاب النفقات

باب الاستمناء قال الله عز وجل {والذين هم لفروجهم حافظون إلا على أزواجهم} قرأ إلى {العادون} (قال الشافعي) فكان بيانا في ذكر حفظهم لفروجهم إلا على أزواجهم أو ما ملكت أيمانهم تحريم ما سوى الأزواج وما ملكت الأيمان وبين أن الأزواج وملك اليمين من الأدائمات دون البهائم ثم أكدها فقال عز وجل { فمن ابتغى وراء ذلك فلوالنك هم العادون} فلما يحل العمل بالذكر إلا في الزوجة أو في ملك اليمين ولا يحل الاستمناء والله تعالى أعلم و قال في قول الله تعالى {وليس عنف الذين لا يجدون نكاحا حتى يغتسلن} فضلهم الله من فضلها والله أعلم ليصبروا حتى يغتسلن الله تعالى وهو كقوله في مال اليمين {ومن كان عنينا فليس عنف} ليكتف عن كله يسلف أو غيره قال وكان في قول الله عز وجل {والذين هم لفروجهم حافظون إلا على أزواجهم أو ما ملكت أيمانهم} بيان أن المخاطبين بها الرجال لا النساء فدل على الله لا يحل للمرأة أن تكون متسرىة بما ملكت يمينها لأنها متسراة أو متوكحة إلا بمعنى أنها متوكحة ودلالة على تحريم إثبات البهائم لأن المخاطبة بحال الفرج في الأدائمات المفروض عليهم العدة ولهم الميراث منهم وغير ذلك من فرائض الزوجين .

2.3 Sheikh Saleh Fawzaan concurs on the impermissibility of masturbation

I am prone to masturbation

Question: I am a student who is prone to masturbation. So my desires have overcome me such that I have not fasted during Ramadhaan as a result and have abstained from performing my (obligatory) prayers for a long while. And now I try to exert myself, and most of the time I succeed (in refraining from masturbation) such that sometimes I perform the [witr](#) prayer at night and likewise before I sleep. So, with all this, are my prayers accepted or do I have to make up the prayers? And what is the ruling regarding masturbation, keeping in mind that I mostly do it when I watch the television or video?

Response: Practicing masturbation is haraam (prohibited) because it is seeking pleasure in other than what Allaah ([Subhaanahu wa Ta'aala](#)) has permitted. Allaah has not permitted the seeking of pleasure and satisfying the sexual desires except with (one's own) wife or with that which the right hand possesses. Allaah ([Subhaanahu wa Ta'aala](#)) says:

{And those who guard their chastity (i.e. private parts, from illegal sexual acts). Except from their wives or (the captives and slaves) that their right hands possess, for then, they are free from blame}, [Soorah al-Mu.minoon, [Aayaat](#) 5-6]

So, any (form of) seeking pleasure with other than (one's own) wife or with that which the right hand possesses is considered prohibited and going against (the Law of Allaah).

The Prophet (sal-Allaahu `alayhe wa sallam) advised the youth with a remedy which would alleviate (any) raging desires and the danger of (these) desires, as he (sal-Allaahu `alayhe wa sallam) said:

((O gathering of youth! Whoever amongst you is able, then he should get married, since that is indeed more protective for the eyes and the private parts; and whoever is unable, then he should fast, for that is indeed better for him)), [Saheeh al-Bukhaaree - V.7, P.117]

So, the Messenger (sal-Allaahu `alayhe wa sallam) advised with ridding ourselves of our desires and distancing ourselves from its dangers by one of two ways: either by fasting - for one who is unable (to get married) or by marrying - for one who is able (to get married).

This indicates that there is no third (option) for the youth to try. So, masturbation is haraam (prohibited) and is (thus) not permissible in any circumstance according to the majority of the people of knowledge.

You are therefore required to repent to Allaah ([Subhaanahu wa Ta'aala](#)) and not to revert to this act (of masturbating, rather) to distance yourself from that which affects (excites) your desires, as you have mentioned that you watch television and video and see (images) which excite the desires. So, that which is obligatory upon you is to distance yourself from seeing such (images) and not turn the television or video on to watch these things which excite your desires. This is because this is from the means to evil, and the Muslim is required for himself to close (all) the doors to evil, and (in return) the doors to good shall be opened for him (inshaa.-Allaah).

So, distance yourself from all evil and [fitnah](#) that comes your way. And from the greatest causes of fitnah and evil are these films and soap operas which depict women in a manner which excites the desires. You are therefore required to distance yourself from these and (further) remove the means to this (evil).

As regards repeating the [witr](#) and [naafilah](#) prayers, then you are not required to do so, since the (previously mentioned evil) acts do not nullify the [witr](#) (prayer) or the [tahajjud](#) (prayer); (as regards you having) masturbated, then this in itself is prohibited and you are sinning by doing

so. However, the acts of worship which you have already performed according to (that which has been legislated in) the [Sharee'ah](#), then they are not nullified except by [shirk](#) or apostatising - and Allaah's Refuge is sought. As regards acts other than shirk and apostatising, then they do not nullify acts (of worship), however, they are regarded as sinful.

[Shaykh Ibn al-Fowzaan](#)

al-Muntaqaa min Fataawa Fadheelatush-Shaykh Saalih Ibn Fowzaan - Volume 4, Page 272, Fatwa No. 277

2.4 Fatwa of Shaykh Mahmood Khaleel Harraas

The one who masturbates

Question: We have heard a lot about the one who masturbates, so is there a hadith (prophetic statement) with the meaning that the one who masturbates and the one who has intercourse with a slave woman is cursed whatever the situation? I implore you to give this subject it's right, and may Allaah cause you to be of benefit.

Response: I do not recall any hadith regarding the masturbator being cursed, however, I have read that a youth was sitting in the gathering of Ibn 'Abbaas (radhi-yAllaahu 'anhuma) and waited until everyone had left, whereupon he asked Ibn 'Abbaas about that. So Ibn 'Abbaas said: ((Oh! Oh! Having intercourse with the slavewoman is better than that, and that is better than committing zinaa)), [Transmitted by al-Bayhaqee and Ibn Hazam in al-Muhallaa].

And I have also read in some of the books of the Hanaabilah the permissibility of masturbating for he who fears falling into zinaa (Adultery). However, (the) gravity (of masturbating) is regarded the same as eating from the (already) dead carcass (i.e. if you have no other food and fear you will die if you do not eat from it), so it is not permissible for him to do so except for that which alleviates the dire necessity. And Allaah is the Most knowledgeable.

Shaykh Mahmood Khaleel Harraas

Fataawa Shaykh Mahmood Khaleel Harraas - Page 282-283

3. Can I masturbate a man to whom I made Nikah?

I was asked

My husband and I have had our Nikka Alhamdu lillah. Several months are left before the wedding party.

We agreed to no intercourse until the wedding night, but he would like me to masturbate him or give him oral sex. He feels he can't wait until the wedding and he gets wet dreams every night and believes if I do this for him, he will not get nightly wet dreams and it would fulfil some of his desires. I don't feel comfortable doing this, especially since we don't have a place of our own with privacy to do such acts and the Mahr (dowry) has not been paid in full yet (because we agreed that it should be paid in full be the time of the wedding). I asked him to wait till the wedding night, but he believes that he has the right as my husband to get masturbated or get oral sex from me since in Islam we are married and don't need to wait till the wedding. What should I do?

Reply

Dear Sister

It is allowable for you to masturbate your husband.

It is Haraam for you to suck all the impure liquids that emanate from the male organ.

The head of the male organ is a place, like the opening of the female organ, where the urinary discharge takes place. Sperm and pre-coital emissions are classified as *Najis* in the fiqh analysis of Imam Abu Hanifah. We read Quran with our tongues and the mouth, besides allowing us speech, is for the *Zikr* of Allah.

Imam Shafi, has not classified sperm to be *Najis*, but this does not imply he has allowed oral sex. Only those brainwashed by non-Islamic and animalistic sexual tendencies use sophistic arguments to try and justify the permissibility of oral sex.

In Islam, once you are validly married with two adult male Muslim witnesses and the consent of your *Wali* (natural guardian), you are free to have sex with your husband. A valid Nikah establishes the marriage bond and needs no further wedding function.

Unfortunately, some people do a private Nikah without the consent of the *Wali* and want a marriage function few months down the line. On the wedding date, they re-marry in the masjid so that the public thinks that they are now getting married. In the interim, they start enjoying each other and regularly engage in sex. The wedding night brings no new joy to them because they were already sexual partners. In terms of most schools of Islamic law, marriage without a *Wali*'s consent is invalid. The Hanifah school allows marriage without a *Wali*'s consent in particular cases.

Allah forbid, many men promised to marry women, and after sufficiently influencing them, encase in adultery and *Zina* prior to the actual marriage. In many cases, where such males then refused to marry the female for various justified or unjustified reasons, the females are the persons who suffer the indignity. Some of these females end up pregnant, others then fear to marry any other male for fear that they would be exposed since they have lost their virginity.

In your case, your husband (if you made a valid Nikah) can't wait to satisfy himself till the marriage night, where and how did he satisfy his lusts and animalistic desires prior to meeting you?

Men who engage with sex with diverse women prior to marriage would very seldom stick to their wives after marriage.

The Indian cultural idea in some families of getting a Nikah validly done and having a wedding only few months or awhile later has got nothing to do with Islam. Islam did not refuse a married couple to enjoy *Halaal* sex.

Some parents and families are beginning to accept that a Nikah be done on the pretext that people see their daughter and to-be son-in-law together. Thus, rather than their meeting in Haraam and going out together in a Haraam way, the Nikah must be done to justify their talking and going out to eat and other places. At the same time, they stipulate that no intercourse takes place till after the wedding function. This simultaneous stipulation is absurd since all adult Muslims who are married know they can have sex. Parents turn a blind eye to the reality of the case. They are actually consenting to their sexual association but denying it through an excuse of the wedding function.

Where a valid Nikah has been done, consummation of the marriage is allowed and a *Walimah* must be done. It is Sunnah to have a *Walimah*.

The fact that the *Mahr* is not fully paid, does not prohibit a man who is validly married to have sex with his wife. Although the *Mahr* is the right of the female, she becomes entitled to it on

the basis of the contract of marriage, and cannot deny a man sexual rights to her if he has not discharged the Mahr unless of course where this was stipulated prior to the marriage.

Ustadh
Ahmed Fazel Ebrahim

4. His wife is not very interested in intercourse so he resorts to masturbation

Question:

I am a man of a strong desire. I like to have intercourse everyday. When I try to start it with my wife, she refuses for weak reasons like saying she is tired or lazy to make ghusl or because she wants to delay it to next day. So I have intercourse with her only twice a week. I cannot be patient. So I have to masturbate by my hand fearing to fall into adultery. Although I know it is haram, I masturbate about three times a week while my wife is beside me and she knows what I am doing. My wife cares a lot about beautifying herself and using perfumes, but she becomes annoyed if I ask her for sex. Am I sinful to masturbate by my hand? If yes, then does my wife share in this sin?.

Answer:

Praise be to Allaah.

Firstly:

The husband has to treat his wife kindly, because Allaah says (interpretation of the meaning): “*and live with them honourably*” [al-Nisa’ 4:19]

Part of living with one’s spouse honourably is having intercourse, which is obligatory upon the husband, as much as is sufficient to satisfy her, so long as it does not harm him physically or distract him from earning a living.

The wife is obliged to obey her husband if he calls her to his bed, and if she refuses then she is sinning, because of the report narrated by al-Bukhaari (32370) and Muslim (1436) from Abu Hurayrah (may Allaah be pleased with him), that the Prophet (peace and blessings of Allaah be upon him) said: “If a man calls his wife to his bed and she does not come to him, and he goes to sleep angry with her, the angels will curse her until morning.”

Shaykh al-Islam [Ibn Taymiyah] (may Allaah have mercy on him) said: She has to obey him if he calls her to his bed, and this is a duty that is obligatory upon her. ... If she refuses to respond to his call, then she is being disobedient and wilfully defiant. ... as Allaah says (interpretation of the meaning):

“*As to those women on whose part you see ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) beat them (lightly, if it is useful); but if they return to obedience, seek not against them means (of annoyance)*” [al-Nisa’ 4:34]

End quote from *al-Fataawa al-Kubra* (3/145, 146).

But it is not permissible for the husband to force his wife to do that for which she is not able with regard to intercourse. If she has an excuse because she is sick or she cannot bear it, then she is not sinning if she refuses to have intercourse.

Ibn Hazm (may Allaah have mercy on him) said: Both slave women and free women are enjoined not to refuse the master or husband if he calls them for intercourse, so long as the woman who is called is not menstruating or sick and likely to be harmed by intercourse, or observing an obligatory fast. If she refuses with no excuse then she is cursed. End quote from *al-Muhaalla* (10/40).

Al-Bahooti (may Allaah have mercy on him) said:

The husband has the right to enjoy his wife at any time, so long as that does not keep her from performing obligatory duties or harm her; he does not have the right to enjoy her in that case, because that is not part of living with them honourably. But if it does not distract her from that or cause her harm, then he has the right to enjoyment. End quote from *Kashshaaf al-Qinaa'* (5/189).

The wife whose husband is harming her by having intercourse too often may come to some agreement with her husband concerning a specific number that she can put up with, and if he does more to such an extent that it is harmful to her, then she has the right to refer the matter to the qaadi (judge), who may determine a specific number and oblige both husband and wife to adhere to that.

Secondly:

Masturbation is haraam, because of evidence that we have quoted in the answer to question no. [329](#).

There is no sin if the husband is masturbated by his wife's hand, because it is permissible for him to enjoy her²; the same applies if he ejaculates outside the vagina, because of the general meaning of the verse in which Allaah says (interpretation of the meaning):

"And those who guard their chastity (i.e. private parts, from illegal sexual acts)

6. Except from their wives or (the slaves) that their right hands possess, __ for then, they are free from blame" [al-Mu'minoon 23:5,6].

This has been discussed in the answer to question no. [826](#).

If the wife will be harmed by intercourse, she will not be harmed if her husband enjoys her in other ways, so she has to allow him to do that.

Both spouses have to tackle this problem in a kind, loving and frank manner; and each of them should understand the rights and duties that they have, because most marital problems stem from ignorance of that.

Some husbands are keen to satisfy their own desires, and they hasten to do that without caring about their wives or paying attention to their right to pleasure, so the wife finds no enjoyment in it and is put off by it, and it becomes a problem and a burden for her.

Hence we say: Strive to create love and affection between you and your wife; pay attention to her situation and understand her feelings; avoid that which will harm her or hurt her. Tell her of the shar'i ruling concerning this issue and help her to follow it, and do not put her off, and be moderate in your approach, and you will get what you want.

May Allaah help us and you to obey Him and seek His pleasure.

And Allaah knows best.

Islam Q&A

<http://www.islamqa.com/index.php?ref=99756&ln=eng>

5. Ruling on masturbation and how to cure the problem

² Footnote by Ahmed Fazel Ebrahim: There is no clear evidence in the Shariah that indicates that your wife can masturbate you or you can masturbate your wife. Allowance for sexual enjoyment in the Shariah pertains to the normal sexual act and the associated foreplay and romance or love making prior to the sexual act. If masturbation is Haraam for the male upon himself, what is the difference in masturbating himself from having his wife masturbate him? If the Shariah allows you to enjoy your wife, it does not imply that you can now enjoy her physical body in any way whatsoever e.g. by entering her anus.

Question:

I have a question which I am shy to ask but another sister who has come to Islam recently wants an answer to and I do not have an answer (with dilaa'ils [evidences] from the Qur'an and Sunnah). I hope you can help and I hope Allah will for give me if it is inappropriate but as Muslims we should never be shy in seeking knowledge. Her question was "Is it permissible in Islam to masturbate?"

Answer:

Praise be to Allaah.

Masturbation (for both men and women) is haraam (forbidden) in Islam based on the following evidence:

First from the Qur'aan:

Imam Shaf'i stated that masturbation is forbidden based on the following verses from the Qur'aan (interpretation of the meaning):

"And those who guard their chastity (i.e. private parts, from illegal sexual acts). Except from their wives or (the captives and slaves) that their right hands possess, - for them, they are free from blame. But whoever seeks beyond that, then those are the transgressors." 23:5-7
Here the verses are clear in forbidding all illegal sexual acts (including masturbation) except for the wives or that their right hand possess. And whoever seeks beyond that is the transgressor.

"And let those who find not the financial means for marriage keep themselves chaste, until Allah enriches them of His bounty." 24:33. This verse also clearly orders whoever does not have the financial means to marry to keep himself chaste and be patient in facing temptations (including masturbation) until Allah enriches them of His bounty.

Secondly, from the sunnah of the Prophet ﷺ (peace be upon him):

Abdullaah ibn Mas'ood said, "We were with the Prophet while we were young and had no wealth whatsoever. So Allaah's Messenger said, *"O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty (i.e. his private parts from committing illegal sexual intercourse etc.), and whoever is not able to marry, should fast, as fasting diminishes his sexual power."* Bukhari:5066. The hadeeth orders men who are not able to marry to fast despite the hardship encountered in doing so, and not to masturbate despite the ease with which it can be done.

There are additional evidences that can be cited to support this ruling on masturbation, but due to the limited space we will not go through them here. Allaah knows what is best and most correct.

As for curing the habit of masturbation, we recommend the following suggestions:

- 1) The motive to seek a cure for this problem should be solely following Allaah's orders and fearing His punishment.
- 2) A permanent and quick cure from this problem lies in marriage as soon as the person is able, as shown in the Prophet's ﷺ hadeeth.
- 3) Keeping oneself busy with what is good for this world and the hereafter is essential in breaking this habit before it becomes second nature after which it is very difficult to rid oneself of it.
- 4) Lowering the gaze (from looking at forbidden things such as pictures, movies etc.) will help suppress the desire before it leads one to commit the haraam (forbidden). Allaah orders men

and women to lower their gaze as shown in the following two verses and in the Prophet's ﷺ hadeeth (interpretations of the meanings):

"Tell the believing men to lower their gaze (from looking at forbidden things) and protect their private parts (from illegal sexual acts, etc.). That is purer for them. Verily, Allah is all-aware of what they do. And tell the believing women to lower their gaze (from looking at forbidden things) and protect their private parts (from illegal sexual acts, etc.) " 24.30-31

Allaah's messenger said: *"Do not follow a casual (unintentional) look (at forbidden things) with*

another look." Al-Tirmidhi 2777. This is a general instruction by the Prophet ﷺ to abstain from all that may sexually excite a person because it might lead him/her to commit the haraam (forbidden).

- 5) Using one's available leisure time in worshipping Allaah and increasing religious knowledge.
- 6) Being cautious not to develop any of the medical symptoms that may result from masturbation such as weak eyesight, weak nervous system, and/or back pain. More importantly, feeling of guilt and anxiety that can be complicated by missing obligatory prayers because of the need to shower (ghusl) after every incidence of masturbation.
- 7) Avoiding the illusion that some youth have that masturbation is permissible because it prevents them from committing illegal sexual acts such as fornication or even homosexuality.
- 8) Strengthening one's willpower and avoiding spending time alone as recommended by the Prophet ﷺ when he said *"Do not spend the night alone" Ahmad 6919.*
- 9) Following the Prophet's ﷺ aforementioned hadeeth and fast when possible, because fasting will temper one's sexual desire and keep it under control. However, one should not overreact and swear by Allaah not to return to the act because if one does not honor one's promise, one would be facing the consequences of not living up to one's oath to Allaah. Also, note that medication to diminish one's sexual desire is strictly prohibited because it might permanently affect one's sexual ability.
- 10) Trying to follow the Prophet's ﷺ recommendation concerning the etiquette of getting ready for bed, such as reading well-known supplications, sleeping on the right side, and avoiding sleeping on the belly (the Prophet ﷺ forbade sleeping on the belly).
- 11) Striving hard to be patient and chaste, because persistence will eventually, Allaah willing, lead to attaining those qualities as second nature, as the Prophet ﷺ explains in the following hadeeth:
"Whoever seeks chastity Allaah will make him chaste, and whoever seeks help from none but Allaah, He will help him, and whoever is patient He will make it easy for him, and no one has ever been given anything better than patience." Bukhari:1469.
- 12) Repenting, asking forgiveness from Allaah, doing good deeds, and not losing hope and feeling despair are all prerequisites to curing this problem. Note that losing hope is one of the major sins punishable by Allaah.
- 13) Finally, Allaah is the Most Merciful and He always responds to whoever calls on Him. So, asking for Allah's forgiveness will be accepted, by His will.
 Wallahu a'lam. And Allah knows what is best and most correct.

Sheikh Muhammed Salih Al-Munajjid

5.1 He is a student living in Denmark and he is suffering with the secret habit

Question:

I am a 24 yr old from India studying in Denmark , alhamdulillah I don't miss any prayers prescribed to us and when I go out I don't look at women, neither I watch movies except two or three in a year nor do I have relations with any girl, but I used to masturbate in teenage. When I go to sleep I recite all duas prescribed by sunnah and try to sleep in the state of wudhu, at least once in a week I myself don't know I wakeup in the middle of the night and start masturbating or I visit pornographic websites until I fulfill my desire, my intention was not even 1% to do these things in the middle of the night while going to bed but in the day time these whims and desires cross my mind. In the next morning I feel regretful of what I did last night and every time I used to correct it for some days again the same thing happens, this is the most regretful and the most sad period since I born because this is continuing since 3 years and I don't feel peace and satisfaction in my life, since I am disobeying Allah. Every time I do taubah to Allah and promise that I won't go back to this habit, I break that promise. I have read your previous answers with regard to masturbation habits, but I would like from you little more specific answer to this question. I would be very grateful to you throughout my life, I also request you to do dua for me.

Answer:

Praise be to Allaah.

On this site we have discussed many issues to do with masturbation, and we have mentioned the ruling on it, that it is haraam, as well as ways of protecting oneself against it and ways of giving it up – see question no. [329](#). It seems that you have read all of that, and that you want something that applies specifically to you, so we will discuss some specific issues with you:

-1-

The fact that you pray regularly, are keen not to form relationships with girls, your determination not to fall into this bad habit and your regret after doing it are all good and will be included in the balance of your good deeds, in sha Allaah. We encourage you to carry on with that and build on it, and do not give up. Your faith has to continue to increase; do not give the shaytaan any opportunity to harm you and make you feel that you are contradicting yourself or stop you regretting and repenting, lest you become one of the doomed.

-2-

Do not add to this bad habit other sins that will incur the wrath of your Lord, may He be glorified and exalted. If your desire overwhelms your faith and reason, and leads you to practice this bad habit, what is making you commit other sins that incur the wrath of Allaah? What we mean is looking at corrupt websites. Fear Allaah with regard to yourself and do not fan the flames of desire in your heart by looking at haraam things or reading pornographic stories or other things that provoke desire. There is no excuse for any of that because you have control over whether you do it or not.

-3-

Unfortunately you are living in a permissive country and studying in a mixed environment, where you see evil and immoral things which may cause you to fall into this habit. There is no doubt that committing this sin is less serious than committing zina, if we assume that you have the opportunity to commit this immoral action and it is the matter of choosing between zina and masturbation. But if you really want to rid yourself of this habit and other sins, then you have to rid yourself of the things that provoke these desires, such as living in a permissive country, looking at haraam things and mixing in haraam ways.

-4-

What we have mentioned in our previous answers is sufficient for you and others who sincerely wish to rid themselves of this habit. But we will tell you of two important things which we hope will help you to rid yourself of this habit and other haraam things:

(i)

First of all, we ask you: could you do this bad habit in front of your family and brothers? Could you do it in front of your friends and neighbours? Could you do it in front of any of the scholars or the Sahaabah? We are certain that your answer will be: No, I could not do that, no matter what levels my desire reached. Is that not the case? Well, do you know that you are doing it before the Lord of the heavens and the earth?! Do you know that the Creator of the universe can see you when you are doing it? Do you know that when you do it the noble angels can see you? How can you regard Allaah as the least of those who can see you?

Who is most deserving that you should feel shy before them – those from whom you conceal your action so that they will not say bad things about you, or the One Who warns you of punishment for your action?

Allaah says (interpretation of the meaning):

“They may hide (their crimes) from men, but they cannot hide (them) from Allaah; for He is with them (by His Knowledge), when they plot by night in words that He does not approve”

[al-Nisa’ 4:108].

Imam Ibn Jareer al-Tabari (may Allaah have mercy on him) said:

What Allaah means in the words *“They may hide (their crimes) from men”* is that these people who are fooling themselves conceal what they do of betrayal and sin *“from men”* who could not do them any harm except saying bad things about them because of what they do, if they find out about it.

“but they cannot hide (them) from Allaah” Who is watching them, and none of their deeds are hidden from Him, and He is the One Who can punish and hasten the

punishment; He is the One before Whom they should feel shy, above all others, and He is the One Who should be respected so that He will not see them do anything that they would not like any of His creation to see them doing.

“*for He is with them (by His Knowledge)*” means: Allaah is watching them.

Tafseer al-Tabari (9/191)

Shaykh ‘Abd al-Rahmaan al-Sa’di (may Allaah have mercy on him) said:

This is due to weakness of faith and lack of certain belief, because in their case fear of other people is greater than fear of Allaah, so they strive by both permissible and forbidden means to make sure that they are not found out by other people, but despite that they challenge Allaah by committing major sins and they did not care that He sees them and that He is with them by His knowledge in all their affairs, especially when they do that which does not please Him.

Tafseer al-Sa’di (p. 200)

(ii)

You do not know when you will die, do you? And you do not know in what condition you will die, do you? Stop for a moment and think about it. What if Allaah were to take your soul in death when you were doing this bad habit? Would this be a good end or a bad one? What if you were to be raised from your grave when the last thing you were doing is this habit? Perhaps you have heard the stories that are widely propagated in words and images about those foolish girls whose end came when they were committing evil actions. Who can guarantee that you – or us – will have a good end? Who has any control over the manner and time of death except Allaah?

We hope that you will think about what we have said to you, and ask your Lord with all sincerity to cleanse your heart and physical faculties from sins and evils. It was narrated from Abu Dharr in a hadeeth qudsi that the Prophet (peace and blessings of Allaah be upon him) said that Allaah said: “O My slaves, all of you are astray except those whom I guide, so ask Me for guidance and I will guide you.” Narrated by Muslim.

So hasten to fill your time with beneficial things and strive to keep company with righteous people who can take care of you. Hasten to get married, for there is no permissible way of fulfilling your desires except marriage. It is not essential for you to have your parents’ permission.

The Prophet (peace and blessings of Allaah be upon him) said: “O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding one’s chastity. And whoever cannot afford it, let him fast, for it will be a shield for him.”

Narrated by al-Bukhaari (4778) and Muslim (1400)

Imam al-Nawawi (may Allaah have mercy on him) said:

Whoever among you can afford to get married, let him do so, and whoever cannot afford to get married should fast so as to reduce his desire. Based on this the words are addressed to youth who are the ones who usually desire women and cannot avoid thinking of their physical desires.

Sharh Muslim (9173).

Strive to save yourself. We ask Allaah to enable you to do that which He loves and which pleases Him, and to purify your heart and physical faculties, and to make you steadfast in faith and certain belief, and to grant you a good end.

See also the answer to question no. [20229](#) for information on ways to help you lower your gaze; no. [20161](#) for information on solving the problem of desire; and [39768](#) where we have mentioned the health effects of this habit on the body, mind, face and memory, and ways of ridding oneself of this habit and avoiding it.

And Allaah is the Source of strength.

Islam Q&A

5.2 Homoeopathy remedies for female Masturbation

**Homoeopathy remedies from “Homoeopathy – the Complete Handbook Dr. K.P.S. Dhama & Dr. (Mrs) Suman Dhama
UBS publishers India – 2000 reprint**

1. Masturbation; resulting in leucorrhoea and hysterical disturbances; shy and timid patient
Pulsatilla 200 or 1M weekly (3)
2. Habit of masturbation due to excessive sexual desire
Origanum 30 or 200 6 hourly
3. Habit of masturbation due to itching of vulva and vagina
Caladium s.30 or 200 2 hours
4. To remove the bad effects of excessive masturbation; sexual melancholia; guilty look on the face
Staphysagria 30 or 200 4 hourly
5. Sexual melancholia due to habit of masturbation; voluptuous crawling extending up in abdomen; superiority complex
Platina 200 or 1M weekly (3)
6. Habit of masturbation due to pruritus of vulva; worse at night; better during menstruation
Zincum met.30 4 hourly
7. Habit of masturbation due to pruritus of vulva; vagina dry and sore; sadness in mind
Natrum mur.30 or 200 4 hourly
8. Masturbation due to itching of clitoris; sexual thoughts
Sulphur 200 or 1M 4 hourly (3)

Biochemic remedy Calcarea phos. 200 X 4 hourly

Biochemic Remedies Calcarea phos. 30X and Natrum mur. 12X 4 hourly

Other Important remedies:

Acid-phos, Phosphorus, lachesis, Gelsemium, and Tuberculinum, etc..

6. Masturbating without using the hands

Question:

One young adult asked if masturbation was permissible. Not by doing it with hand but by stimulating oneself in different ways. Sheikh it is very embarrassing for me to ask you, i still can't figure out how that young man did? So stimulating oneself without touching the private part itself. I don't know how to answer this.

Answer:

Praise be to Allaah.

Masturbation is haraam, as is indicated by the Qur'aan and Sunnah. See question no. [329](#).

Masturbation does not necessarily mean using the hands. Whether it is done using the hand or not, or by touching the private part or not, it is still haraam. The scholars have stated this clearly, including Ibn 'Aabideen in his commentary on *al-Durr al-Mukhtaar*. Some people may do that using a machine or dummy etc, which are known as "sex toys". This is also not permitted. Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said that masturbation using the hands or otherwise is haraam according to the evidence of the Qur'aan and Sunnah, and sound opinion, etc. *Fataawa al-Shaykh Ibn 'Uthaymeen*, ed. By Ashraf 'Abd al-Maqsood, 2/931-932.

Islam Q&A

Sheikh Muhammed Salih Al-Munajjid

7. Masturbation and bathing

Islam Questions & Answers - www.islam-qa.com

Question Reference Number:: 44945

Title: If maniy³ comes out after doing ghusl⁴ from janaabah

Home > Jurisprudence and Islamic Rulings > Acts of Worship > Purity > Full Ablution >

Question:

I am a young man. I try very hard to avoid the secret habit⁵ but unfortunately I am too weak sometimes. After I do ghusl, it so happens that some thin, sticky liquid comes out. Does this mean that I have to do ghusl even if it is maniy (sperm)? Please note that it comes out without any feelings of desire. Or is it permissible to remove the impurity by washing it away?

³ Sperm

⁴ Having a full bath together with ensuring that the entire body including the hair has been made wet. You also have to gargle your mouth and ensure that water is placed in the nostrils.

⁵ Masturbation

Answer:

Praise be to Allaah.

Firstly: You have to repent to Allaah from the secret habit and give it up, and beware of the consequences of sinning repeatedly, because the Prophet (peace and blessings of Allaah be upon him) said: “If a person commits a sin, a black spot appears on his heart. If he stops and seeks forgiveness and repents, his heart is cleansed, but if he goes back to it, it increases until it covers his entire heart. This is the *raan* which Allaah mentions (interpretation of the meaning): ‘*Nay! But on their hearts is the Raan (covering of sins and evil deeds) which they used to earn*’ [al-Mutaffifeen 83:14].” Narrated by al-Bukhaari, 3257; Ibn Maajah, 4234; classed as hasan by al-Albaani in *Saheeh al-Tirmidhi*, no. 2654. Please see also question no. [329](#), where there is an explanation of how to give up this bad habit.

Secondly: If a person does ghusl after having a wet dream or intercourse, then something comes out of him after that, unaccompanied by feelings of desire, he does not have to do ghusl again. Ibn Qudaamah (may Allaah have mercy on him) said: If a person has a wet dream or has intercourse, and ejaculates, then he does ghusl, then some semen comes out of him, the well-known view narrated from Ahmad is that he does not have to do ghusl again. Al-Khallaal said: there are many reports from Abu ‘Abd-Allaah – i.e., Imam Ahmad – that say that all he has to do is wudoo’, whether he urinated or not, and this is the view that he settled on. This was also narrated from ‘Ali, Ibn ‘Abbaas, ‘Ata’, al-Zuhri, Maalik, al-Layth, al-Thawri and Ishaaq. Sa’eed ibn Jubayr said: He does not have to do ghusl unless that was accompanied by feelings of desire.

There is also another opinion, which is that it does not matter if that happened after urinating, and he does not have to do ghusl in that case, but if it happened before urinating, then he does have to do ghusl. This is the view of al-Awzaa’i and Abu Haneefah, and was also narrated from al-Hasan. That is because this is the left overs of what was emitted as a result of desire, so ghusl is required as it was in the first instance. But after urinating, it comes out without gushing and with no feelings of desire, and we cannot be sure that it is something left over from the first instance, because if it were something left over then it would not have stayed after urinating.

Al-Qaadi said: there is also a third opinion, which is that he has to do ghusl in either case. This is the view of al-Shaafa’i, because what matters is that it has come out, as in the case of all the things that nullify purity. He said elsewhere: he does not have to do ghusl, because the janaabah is one and the same so there is no need for two ghusls. It is as if it all came out in one go... From *al-Mughni*, 1/128.

The correct view is that if it comes out with no feelings of desire, then ghusl is not required, as it says in *al-Insaaf*, 1/232; and in *Kashshaaf al-Qinaa'*, 1/141, where it says “If semen comes out after doing ghusl then ghusl is not required. Or if semen comes out “after doing ghusl following intercourse in which he did not ejaculate”, with no feelings of desire, then no ghusl is required; and if the remaining semen comes out with no feelings of desire he does not have to do ghusl, because of the report narrated from Ibn ‘Abbaas, that he was asked about something coming out of a

person after he had done ghusl from janaabah. He said: "Let him do wudoo'." Something similar was narrated by Imam Ahmad from 'Ali. And because this is one emission of semen so only one ghusl is required, as if it all came out in one go. And because it came out with no feelings of desire, as in the case when it is emitted because of cold. This is the reason that Ahmad gave; he said: because the desire is past, and rather it is a nullification of purity and I hope that wudoo' will be sufficient.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said: The words "if something comes out after that, he does not have to do (ghusl) again" mean: if he does ghusl for this emission of semen, then some more comes out when he starts to move about, then he does not have to repeat ghusl. The evidence for that is as follows:

1 – The reason is one and the same, so two ghusls are not required.

2 – When it comes out after that, it is not accompanied by feelings of pleasure. And ghusl is only required if it comes out with feelings of pleasure.

But if semen is emitted anew with feelings of desire, then ghusl is required as a result of this new reason.

From *al-Sharh al-Mumti'*, 1/281. See also question no. [12352](#).

Thirdly: What is prescribed when doing ghusl from janaabah is to remove whatever of semen etc has contaminated the body, then to start to do ghusl beginning with the parts of the body that are washed in wudoo', then pouring water over the rest of the body, because this is proven in the description of the ghusl of the Prophet (peace and blessings of Allaah be upon him). Al-Bukhaari (251) and Muslim (476) narrated that Maymoonah (may Allaah be pleased with her) said: I prepared water for the Prophet (peace and blessings of Allaah be upon him) for ghusl. He pour water with his right hand onto his left and washed them (his hands), then he washed his private part, then he wiped his hand on the ground, then he washed it. Then he rinsed his mouth and nose, then he washed his face, and poured water on his head. Then he shifted position and washed his feet. Then he was brought a cloth but he did not use it."

If you remove some impurity etc that does not invalidate ghusl because what is required in ghusl is to wash the entire body with water – as well as rinsing the mouth and nose, according to the correct opinion – with the intention of doing ghusl. It is not a condition of removing impurity that one should avoid touching impurity whilst doing so.

And Allaah knows best.

Islam Q&A (www.islam-qa.com)

8. Using a vibrator

Title of Fatwa	A Divorced Woman Using a Vibrator (Artificial Penis)
Date of Fatwa	28/ May/ 2001
Date of Reply	28/ May/ 2001
Topic Of Fatwa	Sexual Relations
Question of Fatwa	<p>As-Salamu `alaykum. I have received many questions from Muslim women about using an artificial penis (vibrator). I really need a detailed answer about these important questions, and please provide evidence on the topic because people request so. The questions are: 1) Does Islam allow a divorced Muslim woman to use a vibrator in order to satisfy her sexual desire instead of committing sex with another man? 2) Is it allowed in Islam for a married woman to use a vibrator as a sexual aid with the permission of her husband? May Allah grant you great reward for your efforts and I thank you for help.</p>
Name of Mufti	Islam Online Fatwa Committee
Content of Reply	<p>Wa `alaykum As-Salaamu Warahmatullahi Wabarakatuuh. In the Name of Allah, Most Gracious, Most Merciful. All praise and thanks are due to Allah, and peace and blessings be upon His Messenger. Thank you very much for being interested in visiting our site and showing confidence in us. Sheikh `Abdel-Khaliq Hasan Ash-Shareef gives the following answer: Highlighting the attributes of true believers, Almighty Allah says in the Qur'an: "Those who guard their sexual organs except with their spouses or those whom their right hands possess, for (with regard to them) they are without blame. But those who crave something beyond that are transgressors, (Al-Mu'minoon: 5-7) In this verse, Allah, Exalted be He, outlines the way sexual desires are satisfied, and regards any other form of satisfying sexual desire (such as masturbation) as transgression or violation of Allah's Bounds. This applies to both men and women, although women are supposed to be more bashful and modest than men. The majority of scholars consider masturbation Haram. Imam Malik bases his judgement on the forgoing verse arguing that someone who masturbates is one of those who "crave something beyond that." On the other hand, it is reported that Imam Ahmad Ibn Hanbal regards semen as an excretion of the body like other excreta, and permits its expulsion the same way bloodletting is permitted. Ibn Hazm holds the same view. However, the Hanbali jurists permit masturbation only under two conditions: first, the fear of committing fornication or adultery, and second, not having the means to marry. Sheikh Yusuf Al-Qaradawi comments: We are inclined to accept the opinion of Imam Ahmad in a situation in which there is sexual excitation and danger of committing the Haram. For example, a young man has gone abroad to study or work, thereby encountering many temptations which he</p>

fears he will be unable to resist, may resort to this method of relieving sexual tension provided he does not do it excessively or make it a habit. Yet, better than this is the Prophet's advice to the Muslim youth who is unable to marry; namely, that he seeks help through frequent fasting, for fasting nurtures will-power, teaches control of desires, and strengthens the fear of Allah. The Prophet, peace and blessings be upon him, is reported to have said, "O youth, whoever of you is able to marry, let him marry, for it spares one looking at what one should not, or lapsing in adultery. And if he cannot marry, let him observe fasting, for it is a shield against evil."

(Reported by Muslim.) (Quoted from The Lawful and the Prohibited in Islam.) Thus, a divorced Muslim woman is allowed to use a vibrator to satisfy her sexual desire if it is the last resort – instead of committing fornication. But a married woman (if there is no dire necessity to warrant it) is not allowed to do so, since she will be regarded as one who "craves something beyond that," which is condemned by the aforementioned verse. Allah Almighty knows best.

9. A medical perspective of masturbation from a non-Muslim Chinese practitioner

How can excessively masturbating be bad for you? And what is impotence EXACTLY?

Masturbation is neither good nor bad, depending on how often you can afford to do so without affecting the functions of other organs. In one recently published study, ninety-five percent of men and eighty-seven percent of women have practiced masturbation occasionally. The study further indicated those men usually experience an orgasm when they masturbate and learn how to masturbate before engaging in any sexual intercourse. Another important finding showed males who masturbate frequently during adolescence continue this sexual behavior into their adulthood with the frequency increasing.

Is this addictive behavior of masturbation harmful to your body? To answer this question, one has to understand how ejaculating works. An orgasm or ejaculation discharges the bioelectric energy (bio-energy) stored by the parasympathetic nervous subsystem via the sympathetic nervous action. It is supposed to discharge the bio-energy stored in the sexual organs. This is why an orgasm is associated with a burst and subsequent release of tension. When the sexual organs are insufficiently charged, the sympathetic system will draw the energy from other organs, deactivating the associated organs and slowing down the response of the Central Nervous System (CNS) which is the commander of the endocrine and nervous function. So, frequent masturbation and consequent ejaculation will result in depleting other organs of bio-energy since the sexual organs can't support the release of bio-energy being drawn from over-masturbation.

The association of masturbation with guilt and anxiety is partly due to the ignorance of the fact masturbation is not harmful. These negative sentiments are partly due to centuries of religious teachings that masturbating is sinful. In addition, many of us have received negative messages about masturbation from our parents or have even been punished when caught masturbating as children. The cumulative effect of these influences is usually confusion and guilt, which is often difficult to sort out. However, the only time masturbation can be 'bad' or harmful is when it becomes compulsive. Compulsive masturbation, like all other compulsive behaviors, is a sign of an emotional problem and needs to be addressed by a mental health specialist. Sex, of course, is extremely pleasurable and all things pleasurable are addictive. Over-masturbation can cause serious problems that aren't limited to the bedroom. Frequent

masturbation should be addressed.

So, contrary to ancient and popular beliefs, masturbation does not lead to unbridled lust, make you blind or deaf, give you the flu, drive you crazy, grow hair on your hand, make you stutter, or kill you. Rather, masturbation is a natural and harmless expression of sexuality in both men and women and a perfectly good way to experience sexual pleasure. In fact, some experts argue that masturbation improves sexual health by increasing an individual's understanding of his or her own body and of what is erotically pleasing, building self-confidence and fostering self-acceptance. This knowledge can then be carried forth to make for a more satisfying sexual relationship with one's partner, both through each partner's comfort with mutual masturbation and because of the ability to tell each other what is most pleasing. It is a good idea for a couple to discuss their attitudes about masturbation and to calm any insecurities a partner may have if the other should sometimes favor masturbation over sexual intercourse. In some relationships, masturbation may be mutually acceptable. Done alone or in the presence of a partner, the act can be pleasing and add to mutual intimacy if it is not experienced as a rejection. Like most behaviors, without proper communication, the act of masturbation can be a sign of anger, alienation, or displeasure with the way the relationship is progressing.

Overcoming society's negative stereotypes and one's personal feelings about masturbation can allow men and women the freedom to explore and experience their own sexuality in a private, satisfying manner. One word of caution: in keeping with the practices of safer sex, masturbation with a partner can be an enjoyable alternative to intercourse, as long as you avoid contact with your partner's semen or vaginal fluids, especially if you have any cuts or open sores. But, to reiterate, masturbation will become harmful if done excessively. Here is why:

Over-masturbation or over-ejaculation drains the body of Human Growth Hormones, DHEA, and testosterone, which are used for recharging the CNS and the parasympathetic (bio-energy restoring) function of each organ. As a result, the endocrine-associated organs slow down hormone production. The eyes become very sensitive to sunlight due to the deficiency of the bio-energy in the visual nerves (the erectile drug Viagra* (trademarked name not allowed here) produces the similar side effect - blue vision). The ears buzz due to the deficiency of bio-energy in the hearing nerves. The heart beats irregularly due to insufficient bio-energy in the auto-rhythmic and contractile fibers. Blood pressure becomes too high or too low due to insufficient levels of bio-energy in the kidneys to regulate the kidney renin-release mechanism. A higher volume of sweat and bouts of fatigue occur due to the insufficient bio-energy in the adrenal cortices, which produce DHEA to pacify the sympathetic nervous function. The patient also experiences pains and spastic cramps in the muscles and joints (in particular, in the lower back area due to the lack of DHEA and testosterone to feed the local cells and neurons) and his waist becomes very weak.

However, optimal masturbation can help discharge the excessive bio-energy built-up in the organs and prevent the endocrine system from receiving a negative feedback signal from the CNS, slowing down its hormone production. Excessive testosterone in the bloodstream or excessive bio-energy in certain organs will relay negative signals to the brain to temporarily disable the hormone bursting ability during a sexual encounter.

If a man has never had sex or has yet to discharge for a long time (sometimes six to ten days are long enough), he will temporarily lose his ability to power his penis to an extreme. There is an endocrine cycle in the body, which allows you to discharge bio-energy/semen/sperm to promote the endocrine function and to recharge your body, instead of damaging your body.

You must figure out your endocrine cycle in order to understand when masturbation becomes damaging. The endocrine cycling depends on age, diet, or dietary supplements.

We are able to shorten the endocrine cycle -- that is, increase intercourse frequency and use sex to recharge the body at the same time -- for the middle aged and seniors with our supplements. However, we are discouraging young men to do so, because sex is very addictive. Hence, our supplements are formulated to rescue these unfortunate persons who

have suffered from sexual dysfunction due to over-masturbation in their adolescence or youth. Sexually dysfunctional problems usually result from long-term practices of multiple ejaculation in one love session or in one day.

When the CNS bioelectricity runs low, the endocrine function can not produce sufficient HGH, DHEA, and testosterone to charge the parasympathetic sexual nerve, which is responsible for powering the erection and keeping the ejaculation control valve tight. This will result in a weak erection and premature ejaculation. In particular, during a sexual encounter, it can produce a burst of DHEA/testosterone and 5-alpha reductase enzyme to power the erection for a longer period to finish sexual intercourse. If a man can't erect by any means, he is impotent. If he can erect with hand jobs or oral sex, he has a weak erection and will experience premature ejaculation. That is why porn stars in adult movies can never make the porn actresses achieve an orgasm with a weak erection.

It is apparent excessive masturbation/sex can damage a person's body and produce negative side effects hazardous to your health. It is also clear masturbation is a double-edged sword. If done according to your endocrine cycle or if kept at a minimum, it can have pleasurable effects and positive results. However, if it is done excessively, it can be very damaging. So, the answer to whether or not masturbation is good or bad is simply -- yes and no.

Copyright (C) since 1997 Dr. N.K. Lin. All rights reserved.

10. I have heard some body who use his own hand to satisfy his sexual need that means with out meeting with woman . What does Islam say about this kind of bad habit?

SOLO SEX (MALE AND FEMALE MASTURBATION)

The torments are great for those who achieve insufficient satisfaction from sexual intercourse and return to masturbation, or never give it up. Everywhere they look, their friends are unashamedly enjoying the pleasures of normal sexual relationship. No part of society caters for them and they are even cowardly shy to campaign for "Masturbators Liberation." Sex life for most of them is fairly empty.

One of the most humiliating problems that the constant male masturbator suffers from when he attempts to have sexual relationship is premature ejaculation or the failure to maintain an erection. When he is masturbating, he tends to reach his orgasm as quickly as possible, but in sexual intercourse he normally has to attempt to control his excitement, which can impose a great strain on a person who indulged in self-abuse over a lengthy period.

Therefore people who continuously masturbate, lose out all round. The physical pleasure becomes reduced to a natural act like urination, or excreting, and at the back of their minds there is an awareness that they are missing on the real pleasures of life. No adult can honestly claim to masturbate without a guilty feeling of complete uselessness. Masturbation is merely an exhaustive, rather than constructive undertaking, resulting in nothing but total loss. Once orgasm has been achieved there is Nothing else left, except for a feeling of complete emptiness.

The following extracts from the writings of a dignified physician of the Unani "Greek" medicine will give one some idea of the damage done through masturbation: "Most often, students, bachelors or widowers and hypocritical godly persons are its victims. It is such an evil practice that has ruined many families and many more are being ruined today. The lack of manly vigour and decline in the standard of young men's health is evidence enough for this horrible social evil, eating into the vitals of an otherwise healthy nation. If only our young men could foresee the consequences of this evil at their own hands bring on them! It can be said with some certainty that eighty percent of our young men are the victims of masturbation. This accursed practice affects equally the heart, the brain, the liver, the stomach, the kidneys along with the reproductive organs. This practice makes the muscles and the nerves of the

reproductive organ sagging and lifeless. Accumulation of fluids in the veins makes it unfit for its normal function. There is extreme feebleness in the power of erection. The heat of the friction between the delicate muscles of the organ and the tough hide of the hand damages the former beyond repair." (Miftahi, Modesty and Chastity in Islam)

Following the excitement which accompanies masturbation, comes the feeling of shame, anger, humiliation, and the sense of futility. This sense of guilty and humiliation deepens as the years go on, into a suppressed rage, because of the impossibility to escape. The one thing that it seems impossible to escape from, once the habit is formed, is masturbation. It goes on and on, on into old age, in spite of marriage. And it always carries this secret feeling of futility and humiliation. And this is, perhaps, the deepest and most dangerous cancer of our civilization. Instead of being a comparatively harmless vice, masturbation is certainly the most dangerous sexual vice that a society can be afflicted with, in the long run.

MASTURBATION UNDER ISLAMIC LAW

Islam strictly forbids the waste of seminal fluid through masturbation. The one who discharges his seminal fluid with his hand is damned. This evil practice removes the normal bright look of a man's face, and he looks melancholy and dejected. He loses his health and quite frequently his vitality and sexual stamina through this disgusting practice.

The Qur'aan declares: "The Believers are those who abstain from sex except with those joined to them in marriage bond, or those whom their right hand possess for (in their case) they are free from blame, but those who crave something beyond that are transgressors."

Beyond the wife and slave woman all ways and means of sexual satisfaction are unlawful. They include adultery, sodomy, masturbation, etc. From this it can be deduced that masturbation falls under the context 'but those who crave ...' and is therefore immoral and a sin in Islam. Views expressed by the Shafi'i jurists on this matter are clearly illustrated by Imam Nawawi whose opinion is typical of the Shafi'i Jurists as a whole. He declared that masturbation was absolutely forbidden. It was only permitted when it was performed by the hand of a man's wife or concubine, for he has a right to the enjoyment of her hand as he has to the rest of her body.⁶

The author of Subul al Salam according to al-Juzairi, states: "Some of the Hanbali and Hanafi Jurists are of the opinion that masturbation may be permissible in the event that one fears (that is, not engaging in it) would lead to his committing adultery, fornication. But be cautious that such a view is weak and is not to be relied upon."

According to Maliki school of thought masturbation is deduced to be illegal from the following hadith narrated by 'Abdullah ibn Mas'ud (RadhiAllaahu Anhu): "We were with the Prophet (Sallallaahu Alayhi Wasallam) while we were young and had no wealth whatsoever. The Prophet (Sallallaahu Alayhi Wasallam) said: "O assembly of youths ; whoever among you possesses the physical and financial resources to marry, should do so, because it helps him guard his modesty, and whoever is unable to marry, should fast, as fasting diminishes his sexual power.'

Therefore, the jurists of this school are of the opinion that if masturbation was permitted, the Prophet (Sallallaahu Alayhi Wasallam) would have acknowledged its permissibility because this is much simpler than fasting. Since the Prophet (Sallallaahu Alayhi Wasallam) did not mention it, demonstrates that it is prohibited.

From the evidence presented so far, it can be seen that Shari'ah not only classifies this type of unnatural waste of seminal fluid as illegal, but also advocated strict measures for its prevention.

[Morality in Islam, Acaciaville]

⁶ Source and verification of this view is essential (Ahmed Fazel)

The above answer was taken from the AskImam website : Camperdown, Kwa-Zulu Natal.

11. Case One: The results of masturbation

I need guidance in the light of Shariah (Quran and Hadith). I'm twenty years old. Eleven years before, a catastrophe occurred in my life and the aftermath of that mistake still appearing on my life. When I was 10 years old. I used to sit in bad company. Thereafter, my life segregated from the path of rectitude , and I began to make dreadful mistakes.

Then I came to know about sex. Our housemaid was 11 years old and I sexually harassed her. It was not a rape because I did not have intercourse. I only kissed and did heavy petting several times. She did not tell anyone for five years. This was done whenever I got a chance after every two or three months. To satisfy my lust, I also sexual harassed my neighbour's daughter who was four years younger then me (kissing, heavy petting 6 times). Then again, I kissed another girl one time... That was over when I was 16 years old then. Later, I realized the dreadful mistakes which I have made. I thus went to my housemaid and begged for forgiveness...but my neighbour's daughter was young to understand all of this, and I also have no reach to her. That is why I cant beg her for forgiveness.

I save myself from intercourse by regular Masturbation. I lost everything; my academics, my self-respect, my personality, crashes in my soul which threw me into an abyss of external pain and affliction. I now have a confused personality and I still satisfy myself by Masturbation. Masturbation is gift of my sins. I want to know what the Shrariah (Quran and Hadith) says about a person like me. I want to confess...

I am presently under psychiatric observation. I cannot remember memorize things especially in studies. Please guide me what shall I do. I don't know what to do. Its true, I lost hope. Should I tell doc my story?

Reply

Due to the societies we live in, the associations we have and the things we see in magazines and view on television, the images of male attachment and physical contact in the nude become instilled in our minds from an early age.

Various levels of desire or degrees of love then begin to breed in the heart as it yearns to achieve the emotional feelings of love and intimacy. Engagement with these thoughts give the mind a free reign to unveil its inner ability to allow the biological being to express its physical indications for love. This is expressed through driving the mind to make physical expressions of love, and is expressed by your thinking that you with the persons or images of your desire and you begin to mentally express that you making love. This escalates to provide sensation in the sexual organ. In privacy, masturbation is the climax of this sensation and allows you to be convinced of the joy of sex due to the sexual sensation achieved in the organ.

The desire and need for sex and intimacy then drives you to regularly seek this mental escapade which is then satisfied through masturbation. It is not denied that this is the natural instinct within the human biological and animal self. What needs to be known is that this is not allowed in the Shariah. Sexual expressions are governed.

The need for sex and intimacy drives you to spend plenty time alone in your private thoughts. This free time becomes the devils workshop and you fantasize about the female you like or love. You think about where you will meet her, how you will pet her, how you will undress her and how you eventually would have sex. The multitude of porn images and sexual literature you have seen then automatically enters your fantasy domain where you gain moments of sexual gratification and false feelings of love.

You must learn to forget the past sexual expressions you made to the neighbour's daughter and to the maid. Sincere taubah is sufficient, and know that such acts are wrong. Never allow or accept others to be sexually abused in the future.

Sincere taubah will eliminate the sin of masturbation – Insha-Allah. However you require the training and mental discipline to abstain from it since it naturally demands plenty time and drains you of energy that is required for the fulfilment of your mental and other tasks. This training is not developed overnight and will not be easily achieved without focus or without fulfilling the orders of Allah.

Normally you should not expose your sins to another person but since a doctor ought to be guiding you gain your dignity, your self-esteem etc, it would be acceptable to inform him of your concerns and your past since you seem to be unable to control and manage your history.

Ahmed Fazel Ebrahim

12. Masturbating to remove sperm

Fatwa No. : 87123

Fatwa Title : Masturbating to remove sperm

Fatwa Date : 02 Muharram 1425 / 23-02-2004

Question

Sometimes while I am sitting on the toilet, I ejaculate a little sperm, which comes out as a result of pressing out excrement. After realizing this, I get out the rest of sperm by masturbation, knowing that, if I don't do this, I will, all the time, have problems in Wudu; because, some water like sperm comes out. Is what I am doing alright?

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

What comes out of a male's penis is either sperm, or pre-seminal fluid or Wadi, a white liquid (like water). Each of these has its own ruling and characteristic. The sperm is a sticky fluid which flows out from the penis with strength and with lust, and its smell is like the smell of paste, so if this flows out with strength and with desire, then one has to make Ghusl.

The pre-seminal fluid is also a sticky liquid but it is softer than the sperm. It usually comes out after one's desires have been stimulated and it usually flows out in a discontinuous manner.

As for the Wadi, it is a white coagulated liquid, it usually comes out after urinating. We think that what you consider as sperm is only a pre-seminal fluid. Anyway, if what comes out of your sex organ is sperm, and flows out without a desire and not with strength, then it is not obligatory to make Ghusl for that according to the majority of scholars, and it is obligatory to have Wudu only, like in case of the Wadhi and pre-seminal liquid.

As for masturbation you are resorting to, it is Haram. The excuses that you are presenting are only the tricks of Satan to make you fall into what is forbidden to you.

If that comes out of your sex organ again, it is enough to wash and clean it out, then have Wudu. If it comes out again, and you become certain about that, then you have to make Wudu again.

Allah knows best.

Fatwa answered The Fatwa Centre at Islamweb
by:

13. Masturbation, its rules etc. from the Encyclopaedia of Islamic Jurisprudence – Kuwait Ministry of Awqaf.

الموسوعة الفقهية وزارة الأوقاف الكويتية

اسْتِمْنَاءُ التَّعْرِيفُ : 1 - الْاسْتِمْنَاءُ : مَصْدُرُ اسْتِمْنَىٰ ، أَيْ طَلَبُ خُرُوجِ الْمَنِيِّ . وَاصْطِلَاحًا : إِخْرَاجُ الْمَنِيِّ بِغَيْرِ جَمَاعٍ ، مُحَرَّمًا كَانَ ، كَإِخْرَاجِهِ بِيَدِهِ اسْتِدْعَاءً لِلشَّهْوَةِ ، أَوْ غَيْرُ مُحَرَّمٍ كَإِخْرَاجِهِ بِيَدِ زَوْجِهِ . 2 - وَهُوَ أَخْصُّ مِنَ الْاسْتِمْنَاءِ وَالْإِنْزَالِ ، فَقَدْ يَحْصَلُ فِي غَيْرِ الْيَقِظَةِ وَدُونَ طَلَبٍ ، أَمَّا الْاسْتِمْنَاءُ فَلَا بُدْ فِيهِ مِنْ اسْتِدْعَاءِ الْمَنِيِّ فِي يَقْنَاطِةِ الْمُسْتَمْنَىٰ بِوَسِيلَةٍ مَا . وَيَكُونُ الْاسْتِمْنَاءُ مِنَ الرَّجُلِ وَمِنَ الْمَرْأَةِ . وَيَقْعُدُ الْاسْتِمْنَاءُ لَوْ مَعَ وُجُودِ الْحَالَ . جَاءَ فِي أَبْنَ عَابِدِيْنَ : لَوْ اسْتَمْنَىٰ بِكُفَّهٍ بِحَالٍ يُمْنِعُ الْحَرَارَةَ يَا هُمْ أَيْضًا . وَفِي الشَّرْوَانِيِّ عَلَى التَّحْقِيقِ : إِنْ قَصَدَ بِضَمْ اِمْرَأَةَ الْإِنْزَالَ - لَوْ مَعَ الْحَالِ - يَكُونُ اسْتِمْنَاءُ بِيُنْطَلَّا لِلصَّوْمِ . بَلْ صَرَحَ الشَّافِعِيَّةُ وَالْمَالِكِيَّةُ بِأَنَّ الْاسْتِمْنَاءَ يَحْصُلُ بِالنَّظَرِ . وَلَمَّا كَانَ الْإِنْزَالُ بِالْاسْتِمْنَاءِ يَخْتَلِفُ أَحْيَاً عَنِ الْإِنْزَالِ بِغَيْرِهِ كَالْجَمَاعِ وَالْاحْتِلَامِ أَفْرَدَ بِالْبَحْثِ .

(وسائل الْاسْتِمْنَاءُ) : 3 - يَكُونُ الْاسْتِمْنَاءُ بِالْيَدِ ، أَوْ غَيْرُهَا مِنْ أَنْوَاعِ الْمُبَاشَرَةِ ، أَوْ بِالنَّظَرِ ، أَوْ بِالْفَكْرِ . 4 - أ - الْاسْتِمْنَاءُ بِالْيَدِ إِنْ كَانَ لِمُجَرَّدِ اسْتِدْعَاءِ الشَّهْوَةِ فَهُوَ حَرَامٌ فِي الْجُمْلَةِ ، لِقُولِهِ تَعْالَى : { وَالَّذِينَ هُمْ لِفَرِوجِهِمْ حَافِظُونَ ، إِنَّا عَلَى أَرْوَاحِهِمْ أَوْ مَا مَكَثَ أَيْمَانُهُمْ قَاتِلُهُمْ غَيْرُ مُلْمِنِينَ ، فَمَنْ ابْتَغَى وَرَاءَ ذَلِكَ فَأَوْلَئِكَ هُمُ الْعَادُونَ } . وَالْعَادُونُ هُمُ الظَّالِمُونَ الْمُتَجَاوِزُونَ ، فَلَمْ يُبِحِّ اللَّهُ سُبْحَانَهُ وَتَعَالَى الْاسْتِمْنَاءُ إِنَّا بِالزَّوْجَةِ وَالْأَمَةِ ، وَيَحْرُمُ بِغَيْرِ ذَلِكَ . وَفِي قَوْلِ الْحَنْفِيَّةِ ، وَالْشَّافِعِيَّةِ ، وَالْمَالِكِيَّةِ ، وَالْحَنَفِيَّةِ ، وَالْمَالِكِيَّةِ تَقْدِيرُ الْأَجَاهِيْنَ : الْجَوَازُ لِلضَّرُورَةِ ، وَالْحُرْمَةُ لِوُجُودِ الْبَدِيلِ ، وَهُوَ الصَّوْمُ . ج - وَصَرَحَ أَبْنُ عَابِدِيْنَ مِنَ الْحَنْفِيَّةِ بِأَنَّهُ لَوْ تَعَيَّنَ الْخَالِصُ مِنَ الزَّنِي يَهُ وَجَبَ .

الْاسْتِمْنَاءُ بِالْمُبَاشَرَةِ فِيمَا دُونَ الْفَرْجِ : 5 - الْاسْتِمْنَاءُ بِالْمُبَاشَرَةِ فِيمَا دُونَ الْفَرْجِ يَسْمُلُ كُلَّ اسْتِمْنَاءٍ - غَيْرَ النَّظَرِ وَالْفَكْرِ - مِنْ وَطْءٍ فِي غَيْرِ الْفَرْجِ ، أَوْ تَبْطِينِ ، أَوْ تَخْيِيْنِ ، أَوْ لَمْسِ ، أَوْ تَقْبِيلِ . وَلَا يَخْتَلِفُ أَثْرُ الْاسْتِمْنَاءِ بِهَذِهِ الْأَشْيَاءِ فِي الْعِبَادَةِ عَنِ اثْرِهَا فِي الْاسْتِمْنَاءِ بِالْيَدِ عَنِ الْمَالِكِيَّةِ ، وَالْشَّافِعِيَّةِ ، وَالْحَنَفِيَّةِ . وَيَبْطِلُ بِهِ الصَّوْمُ عَنِ الْحَنْفِيَّةِ ، دُونَ كَفَارَةٍ . وَلَا يَخْتَلِفُ أَثْرُهُ فِي الْحِجَّةِ عَنِ اثْرِ الْاسْتِمْنَاءِ بِالْيَدِ فِيهِ .

الْاعْتِسَالُ مِنَ الْاسْتِمْنَاءِ : 6 - الْتَّقْوَىُ الْفَقِهَاءُ عَلَى أَنَّ الْعُسْلَ يَجِبُ بِالْاسْتِمْنَاءِ ، إِذَا خَرَجَ الْمَنِيُّ عَنْ لَدْدَةِ وَدَقْقَ ، وَلَا عِبْرَةٌ بِاللَّدْدَةِ وَالْدَّقْقِ عَنِ الْشَّافِعِيَّةِ ، وَهُوَ روَايَةُ عَنْ أَحْمَدَ وَالْمَالِكِيَّةِ قَوْلُ بِذَلِكَ لَكَنَّهُ خَالِفُ الْمُشْهُورِ . وَاشْتَرِطَ الْحَنْفِيَّةُ لِتَرْتِيبِ الْأَثْرِ عَلَى الْمَنِيِّ أَنْ يَخْرُجْ بِلَدْدَةٍ وَدَقْقَ ، وَهُوَ مُشْهُورُ الْمَالِكِيَّةِ ، فَلَا يَجِبُ فِيهِ شَيْءٌ مَا لَمْ تَكُنْ لَدْدَةً ، وَالْمَدْهُبُ عَنِ الْمَالِكِيَّةِ عَلَى هَذَا ، وَعَلَيْهِ جَمَاهِيرُ الْأَصْحَابِ ، وَقَطْعَ يَهُ كَثِيرٌ مِنْهُمْ . أَمَّا إِنْ أَحَسَّ بِاِتِّنْقَالِ الْمَنِيِّ مِنْ صُلْبِهِ فَأَمْسَكَ ذَكْرَهُ ، فَلَمْ يَخْرُجْ مِنْهُ شَيْءٌ فِي الْحَالِ ، وَلَا عِلْمٌ خَرُوجُهُ بَعْدَ ذَلِكَ فَلَا غُسْلٌ عَلَيْهِ عَنِ الْعُلَمَاءِ ، لِأَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَقَ الْاعْتِسَالَ عَلَى الرُّوَايَةِ . وَالرُّوَايَةُ الْمُشْهُورَةُ عَنِ الْإِمَامِ أَحْمَدَ بْنِ حَنْبَلِ أَنَّهُ يَجِبُ الْعُسْلُ ، لِأَنَّهُ لَا يَصْوُرُ رُجُوعُ الْمَنِيِّ ، وَلِأَنَّ الْجَنَابَةَ فِي حَقِيقَتِهَا هِيَ : اِتِّنْقَالُ الْمَنِيِّ عَنْ مَحَلِهِ وَقَدْ وَجَدَ . وَأَيْضًا فَإِنَّ الْعُسْلَ يُرَايَعُ فِيهِ الشَّهْوَةُ ، وَقَدْ حَصَلَتْ بِاِتِّنْقَالِهِ فَلَشَبِهِ مَا لَوْ ظَهَرَ . فَإِنْ سَكَنَتِ الشَّهْوَةُ ثُمَّ اِنْزَلَ بَعْدَ ذَلِكَ ، فَإِنَّهُ يَجِبُ عَلَيْهِ الْعُسْلُ عَنِ الْحَنْفِيَّةِ وَمُحَمَّدَ ، وَالْشَّافِعِيَّةِ وَالْحَنَفِيَّةِ ، وَأَصْبَعَ وَابْنُ الْمَوَازِ مِنَ الْمَالِكِيَّةِ . وَقَالَ أَبُو يُوسُفَ : لَا يَعْتَسِلُ ، وَلَكِنْ يَنْتَقِضُ وَضُوءَهُ ، وَهُوَ قَوْلُ الْقَاسِمِ مِنَ الْمَالِكِيَّةِ . وَلِتَفَصِّيلِ مَا يَتَعَلَّقُ بِذَلِكَ اَنْظُرْ مُصْطَلَحَ (عُسْلٌ) .

الْاعْتِسَالُ مِنَ الْمَرْأَةِ مِنَ الْاسْتِمْنَاءِ : 7 - يَجِبُ الْعُسْلُ عَلَى الْمَرْأَةِ إِنْ أَنْزَلَتْ بِالْاسْتِمْنَاءِ بِأَيِّ وَسِيلَةٍ حَصَلَ . وَالْمَرْأَةُ بِالْإِنْزَالِ أَنْ يَصِلَ إِلَى الْمَحَلِ الَّذِي تَعْسِلُهُ فِي الْاسْتِنْجَاعِ ، وَهُوَ مَا يَظْهُرُ عَنْ جُلُوسِهَا وَقَتْ قَضَاءِ الْحَاجَةِ . وَهَذَا

هُوَ ظَاهِرُ الرَّوَايَةِ عِنْدَ الْحَنْفِيَّةِ، وَبَهْدَا قَالَ الشَّافِعِيَّةُ وَالْحَنَابَلَةُ وَالْمَالِكِيَّةُ عَدَا (سَنَدٌ)، فَقَدْ قَالَ: إِنَّ بُرُوزَ الْمَنِيَّ مِنَ الْمَرْأَةِ لِيُسَرِّطًا، بَلْ مُجَرَّدُ الْإِنْفِصَالِ عَنْ مَحْلِهِ يُوجِبُ الْعُسْلَ، لِأَنَّ عَادَةَ مَنِيِّ الْمَرْأَةِ أَنْ يَنْعَكِسَ إِلَى الرَّحْمِ.

أَثْرُ الْإِسْتِمَنَاعِ فِي الصَّوْمِ: 8 - الْإِسْتِمَنَاعُ بِالْيَدِ يُبْطِلُ الصَّوْمَ عِنْدَ الْمَالِكِيَّةِ، وَالشَّافِعِيَّةِ، وَالْحَنَابَلَةِ، وَعَامَّةِ الْحَنْفِيَّةِ عَلَى ذَلِكَ، لِأَنَّ الْبَلَاجَ مِنْ عِنْدِ إِنْزَالِ مَفْطَرٍ، فَإِنْزَالٌ يُشَهِّدُهُ أَوْلَى. وَقَالَ أَبُو بَكْرُ بْنُ الْإِسْكَافِ، وَأَبُو الْفَاسِمِ مِنَ الْحَنْفِيَّةِ: لَا يُبْطِلُ بِهِ الصَّوْمُ، لِعَدَمِ الْجَمَاعِ صُورَةٍ وَمَعْنَى. وَلَا كَفَارَةٌ فِيهِ مَعَ الْبَطْلَانِ عِنْدَ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ، وَهُوَ مُقَابِلُ الْمُعْتَمِدِ عِنْدَ الْمَالِكِيَّةِ، وَأَحَدُ قُولَيِ الْحَنَابَلَةِ. لِأَنَّهُ إِنْطَارٌ مِنْ عِنْدِ جَمَاعٍ، وَلِأَنَّهُ لَا تَنْصَرُ فِي وَجْبِ الْكَفَارَةِ فِيهِ وَلَا إِجْمَاعٌ. وَمُعْتَمِدُ الْمَالِكِيَّةِ عَلَى وَجْبِ الْكَفَارَةِ لِأَنَّهُ إِنْطَارٌ مِنْ عِنْدِ جَمَاعٍ، وَهُوَ رَوَايَةُ عَنْ أَحْمَدَ، وَعَمُومُ رَوَايَةِ الرَّافِعِيِّ مِنَ الشَّافِعِيَّةِ، وَالَّتِي حَكَاهَا عَنْ أَبِي خَلْفِ الطَّبَرِيِّ يَقِيدُ ذَلِكَ، فَمُقْضَاهَا وَجُوبُ الْكَفَارَةِ بِكُلِّ مَا يَأْتِي بِالْإِنْطَارِ بِهِ، وَالدَّلِيلُ عَلَى وَجْبِ الْكَفَارَةِ: أَنَّهُ شَبَّبٌ فِي إِنْزَالِ فَاقِبَةِ الْإِنْزَالِ بِالْجَمَاعِ.

9 - أَمَّا الْإِسْتِمَنَاعُ بِالنَّظَرِ فَإِنَّهُ يُبْطِلُ الصَّوْمَ عِنْدَ الْمَالِكِيَّةِ، تَكَرَّرَ النَّظَرُ أَمْ لَا، وَسَوَاءُ أَكَانَتْ عَادَةُ الْإِنْزَالِ أَمْ لَا، وَالْحَنَابَلَةُ مَعْهُمْ فِي الْبَطْلَانِ إِنْ تَكَرَّرَ النَّظَرُ. وَالْإِسْتِمَنَاعُ بِالثَّكَرَارِ مُبْطَلٌ لِلصَّوْمِ فِي قُولِ الشَّافِعِيَّةِ أَيْضًا، وَقَيْلَ. إِنْ كَانَتْ عَادَةُ الْإِنْزَالِ أَفْطَرٌ، وَفِي "الْفَوْتِ" أَنَّهُ إِذَا أَحْسَنَ بِإِنْتَقْلِ الْمَنِيِّ فَاسْتَدَامُ النَّظَرِ فَإِنَّهُ يَقْسُدُ. وَقَالَ الْحَنْفِيَّةِ لَا يُقْطَرُ بِهِ الصَّائِمُ مُطْلَقاً، وَهُوَ الْمُعْتَمِدُ لِلشَّافِعِيَّةِ، وَلَا كَفَارَةٌ فِيهِ إِلَّا عِنْدَ الْمَالِكِيَّةِ، لِكُلِّهِمْ احْتَفَوا فِي الْحَالَاتِ الَّتِي تَجِبُ فِيهَا الْكَفَارَةُ. إِنْ تَكَرَّرَ النَّظَرُ وَكَانَتْ عَادَةُ الْإِنْزَالِ أَوْ اسْتَوْتَ حَالَتَاهُ وَجَبَتْ عَلَيْهِ الْكَفَارَةُ قَطْعًا. وَإِنْ كَانَتْ عَادَةُ دَعْمِ الْإِنْزَالِ فَقُولُانِ. أَمَّا مُجَرَّدُ النَّظَرِ مِنْ عِنْدِ اسْتِدَامِهِ فَظَاهِرُ كَلَامِ أَبْنِ الْقَاسِمِ فِي الْمَدْوَنَةِ أَنَّهُ لَا كَفَارَةٌ. قَالَ الْقَابِسِيُّ: كَفَرَ إِنْ أَمْتَى مِنْ نَظَرَةٍ وَاحِدَةٍ. 10 - وَأَمَّا الْإِسْتِمَنَاعُ بِالثَّكَرَارِ فَلَا يَخْتَلِفُ حُكْمُهُ عَنْ حُكْمِ الْإِسْتِمَنَاعِ بِالنَّظَرِ، مِنْ حِلْثِ الْبَطْلَانِ وَالْكَفَارَةِ وَعَدْمِهِمَا عِنْدَ الْحَنْفِيَّةِ، وَالْمَالِكِيَّةِ، وَالشَّافِعِيَّةِ. أَمَّا الْحَنَابَلَةُ، عَدَا أَبِي حَقْصَ الْبَرْمَكِيِّ، فَقَالُوا بِعَدَمِ الْفَسَادِ بِالْإِنْزَالِ بِالثَّكَرَارِ، لِقُولِهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ: {عَفِيَ لِأَمْتَى مَا حَدَثَتْ بِهِ أَنْفُسُهَا مَا لَمْ تَعْمَلْ أَوْ تَتَكَلَّ بِهِ}. وَقَالَ أَبُو حَقْصَ الْبَرْمَكِيِّ بِالْبَطْلَانِ، وَاحْتَارَهُ أَبْنَ عَقِيلٍ، لِأَنَّ الْفَكِيرَةَ تُسْتَهْضَرُ وَتَدْخُلُ تَحْتَ الْإِخْتِيَارِ، وَمَدْحُ اللَّهُ سُبْحَانَهُ الَّذِينَ يَتَفَكَّرُونَ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ، وَكَهْيَ الْتَّبَيِّنِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ التَّفَكُّرِ فِي دَاتِ اللَّهِ، وَأَمْرَ بِالثَّقَرَرِ فِي الْأَنْوَاعِ. وَلَوْ كَانَتْ غَيْرَ مَفْدُورَ عَلَيْهَا لَمْ يَتَعَلَّقْ ذَلِكَ بِهَا.

أَثْرُ الْإِسْتِمَنَاعِ فِي الْإِعْكَافِ: 11 - يُبْطِلُ الْإِعْكَافُ بِالْإِسْتِمَنَاعِ بِالْيَدِ عِنْدَ الْحَنْفِيَّةِ وَالْمَالِكِيَّةِ وَالْحَنَابَلَةِ وَالشَّافِعِيَّةِ، إِلَّا أَنَّ مِنَ الشَّافِعِيَّةِ مَنْ ذَكَرَهُ قَوْلًا وَاحِدًا، وَمِنْهُمْ مَنْ أَسْتَهْضَرَ الْبَطْلَانِ. وَلِتَقْسِيلِ ذَلِكَ اِنْتَظِرْ (إِعْكَافٌ). أَمَّا الْإِسْتِمَنَاعُ بِالنَّظَرِ وَالثَّكَرَارِ فَلَا يُبْطِلُ بِهِ الْإِعْكَافُ عِنْدَ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ، وَيُبْطِلُ بِهِ عِنْدَ الْمَالِكِيَّةِ، وَكَذَلِكَ الْحَنَابَلَةُ، إِذْ يُقْهِمُ مِنْ كَلَامِهِمْ بُطَانَ الْإِعْكَافِ، لِفَقْدَانِ شَرْطِ الطَّهَارَةِ مِمَّا يُوجِبُ الْعُسْلَ.

أَثْرُ الْإِسْتِمَنَاعِ فِي الْحَجَّ وَالْعُمَرَةِ: 12 - لَا يَقْسُدُ الْحَجَّ بِالْإِسْتِمَنَاعِ بِالْيَدِ عِنْدَ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ وَالْحَنَابَلَةِ، لَكِنْ يُجِبُ فِيهِ دَمٌ، لِلَّهِ كَالْمَبَاشَرَةِ فِيمَا دُونَ الْفَرْجِ فِي التَّحْرِيمِ وَالْتَّغْيِيرِ، فَكَانَ يَمْتَزِلُهَا فِي الْجَزَاءِ. وَيَقْسُدُ الْحَجَّ بِهِ عِنْدَ الْمَالِكِيَّةِ، وَأَوْجَبُوا فِيهِ الْفَسَادَ وَالْهَدْيَةِ وَلَوْ كَانَ نَاسِيَا، لِلَّهِ إِنْزَالٌ يَفْعُلُ مَحْظُورَهُ. وَلِبَيَانِ تَوْعِيَةِ الْمَدْحُومِ كَلَامَ الْبَاجِيِّ مِنَ الْمَالِكِيَّةِ، لَكِنَّ ظَاهِرَ كَلَامَ الْبَهْرَامِ وَغَيْرِهِ أَنَّهُ مَا يُوجِبُ الْفَسَادَ فِي الْحَجَّ فِي بَعْضِ الْأَحْوَالِ مِنْ وَطَءٍ وَإِنْزَالٍ يُوجِبُ الْهَدْيَةِ فِي الْعُمَرَةِ، لِأَنَّ أَمْرَهَا أَخْفَفُ مِنْ حِلْثِ الْإِنْزَالِ فَرْضًا. 13 - أَمَّا الْإِسْتِمَنَاعُ بِالنَّظَرِ لِيَقْسُدُ الْحَجَّ عِنْدَ الْمَالِكِيَّةِ، بِاسْتِدَاعِ الْمَنِيِّ بِنَظَرِهِ أَوْ فَكِيرِ مُسْتَدَامِينَ، فَإِنَّ خَرْجَ بِمَجْرِدِ الْفَكِيرِ أَوْ الْنَّظَرِ لَمْ يَقْسُدُ وَعَلَيْهِ هَذِيْ جُوْبًا، وَسَوَاءُ أَكَانَ عَدَمًا أَمْ جَهَلًا أَمْ نَسِيَانًا. وَلَا يَقْسُدُ بِهِ الْحَجَّ عِنْدَ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ وَالْحَنَابَلَةِ، وَلَا فَدِيَّةٌ فِيهِ عِنْدَ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ، وَعِنْدَ الْحَنَابَلَةِ تَجِبُ الْفَدِيَّةُ فِي النَّظَرِ، وَأَمَّا الْفَكِيرُ فَلَا تَفَرَّدُ بِالْفَدِيَّةِ فِيهِ مِنْهُمْ أَبُو حَقْصَ الْبَرْمَكِيُّ.

الْإِسْتِمَنَاعُ عَنْ طَرِيقِ الرَّوْجَةِ: 14 - أَغْلَبُ الْفَقَهَاءِ عَلَى جَوَازِ الْإِسْتِمَنَاعِ بِالرَّوْجَةِ مَا لَمْ يُوجِدْ مَانِعَ، لِأَنَّهَا مَحْلٌ إِسْتِمَنَاعِهِ، كَمَا لَوْ أَنْزَلَ بِتَقْيِيدٍ أَوْ تَبْطِينِ، وَلِبَيَانِ الْمَانِعِ الْأَنْتَرُ (حِيْضُ، نِفَاسٌ، صَوْمٌ، اِعْتَكَافٌ، حَجَّ). وَقَالَ بِكَاهَتَهُ بَعْضُ الْحَنْفِيَّةِ وَالشَّافِعِيَّةِ، نَقْلَ صَاحِبِ الْدُّرِّ عَنِ الْجَوْهَرَةِ: وَلَوْ مَكَنَّ امْرَأَتَهُ مِنْ الْعَبَثِ بِذَكْرِهِ فَأَنْزَلَ كُرْهَةً وَلَا شَيْءَ عَلَيْهِ، عَيْرَ أَنْ أَبْنَ عَابِدِينَ حَمَلَهَا عَلَى الْكَرَاهَةِ التَّزَيِّيَّهِ. وَفِي نَهَايَةِ الزَّيْنِ: وَفِي قَنَاوَى الْقَاضِيِّ: لَوْ عَمِرَتِ الْمَرْأَةُ ذَكَرَ زَوْجِهَا بِيَدِهَا كُرْهَةً وَإِنْ كَانَ يَأْتِيَهُ إِذَا أَمْتَى، لِأَنَّهُ يُشَبِّهُ الْعُسْلَ، وَالْعُسْلُ مَكْرُوهٌ.

عَقُوبَةِ الْإِسْتِمَنَاعِ: 15 - الْإِسْتِمَنَاعُ الْمُحَرَّمُ يُعَزِّرُ فَاعِلَهُ يَأْتِقَاقٍ، لِقُولِهِ تَعَالَى: {وَالَّذِينَ هُمْ لِفُرُوجِهِمْ حَافِظُونَ إِلَى عَلَى أَرْوَاحِهِمْ أَوْ مَا مَلَكُتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مُلَوِّنِينَ}.

14. Mastubating for medical necessity

It is permissible to masturbate for the purpose of medical testing

I know masturbation is haraam in Islam. But if one want to check for the infertility, the laboratory people asking the sperm's of the man. We can't get the sperm without masturbating in the laboratory.

Praise be to Allaah.

Yes, that is permissible. It says in Fataawa al-Shaykh 'Abd al-'Azeez ibn Humayd (may Allaah have mercy on him) that he was asked about that and he replied:

There is nothing wrong with that so long as there is a need for it. Whoever masturbates without there being a need for it should be punished. But this is for a need, which is to produce semen for testing and to find out the reason why this person is not having children. The reason for that may rest with him or with his wife, so in this case there is nothing wrong with it insha-Allah.

From Fataawa al-Shaykh 'Abd al-'Azeez ibn Humayd, p. 271.

And Allaah knows best.

Islam Q&A

Penis issues and Impotency

1. Penis enlargement via oral medication

Am I allowed to take pills to enlarge my penis. I am very afraid that I would not be able to satisfy my wife. I have done a nikah with a good Muslim sister but I am afraid that I would not be able to satisfy her, as I have a small penis.

I know this is the way Allah has created me. I am very thankful for this, but there are pills you can take to enlarge your penis permanently, and there are no side affects. So could someone please get back to me with an answer from the quran and the sunnah ..

Reply

For as long as the medication's ingredients are Halaal, you may use that to enlarge your penis.

As for your wanting proof from Quran and hadith, I would advise you to carefully read the Quran from cover to cover and inform me if you find any verse which you think allows or prohibits your penis enlargement via oral medication.

There are also thousands of ahadith. I suggest you read all the ahadith and locate the relevant ahadith. Perhaps the purchase cost of the ahadith texts would cost you fifty thousand dollars. Then learn Arabic for six or seven years and study the science of hadith for another few years so that you can learn how to understand and interpret the ahadith otherwise you will be attempting to rape the Halaal time of Islamic scholars who have more important things to do then concentrating their energies to find evidence in the ahadith for you to enlarge your small organ. We would then evaluate the matter.

Alternatively, employ someone and pay him a decent salary to read the few hundred thousand ahadith in order to find the answer. I personally have neither all the resources and am neither going to focus my short life in reading few hundred thousand ahadith for the sake of your small organ and your need to enlarge it.

After reading much sexual literature, the truth or untruth of many issues pertaining to sexual performance of benefits of penis enlargement cannot be ascertained since confidentiality is maintained and people have no access to verify the correctness of the information. Trusting general medical opinion is perhaps a safe way in some matters.

When the ahadith advocated seeking a marriage partner, the ahadith advised us to look for certain attributes, and likewise, the female is also instructed to look at the same attributes of Deen (virtue, good character, morality, honesty, obedience to Allah) prior to external and other attributes.

The ahadith did not regard the partners incompatible to each other on the basis that the male may have a small penis in comparison to the possible size of a female's vagina. In fact, in one hadith where Nabi SAW instructs us to satisfy our sexual needs with our wives when you become attracted by the beauty of other females, Nabi SAW says something to the meaning of "for verily she has the Mithl (similar organ) to that which your wife has". Thus, this hadith is sufficient to indicate that sexual gratification of both the spouses is not necessarily depended on the size of the male's organ. It is another issue all to gather if the male does not get an erection or suffers from ED (Erectile dysfunction).

The size of a female's vagina is not necessarily relative to the size of her body in the same manner that a male's organ/penis size is not dependent upon his height or fatness or shortness. Also, the size of your organs may not necessarily be directly related to the level of pleasure that you can grant her.

Plenty factors relating to relaxation between the spouses, their mental and inner harmony to enjoy love, the degree of foreplay and extent of love for each other all determine the levels of their mutual enjoyment. However, the amalgamation of all these positive factors do not necessarily imply that a male is, therefore, enabled to fully or satisfactorily sexually satisfy the level of his wife's desire.

Sexual experience between the couple would enable the female to determine whether she is satisfied or not. In the event that she fails to be satisfied by you, nothing prevents you from acquiring permissible medication to satisfy her.

Do not be misled by advertisements which destroy your concept of manhood or which eliminate your manly feelings by mocking the size of your penis. Since you are married, let your wife honestly tell you whether you fulfil her needs or whether she recommends that you improve your performance through permissible avenues. Islam does not deny halaal pleasure or the enhancement of this halaal pleasure via halaal avenues.

Enlarging your penis through surgical procedures and implants is something not advisable and I do not know the levels of success in this regard. Medical professionals can better give you details thereof.

However, oral medication, as long as it is from Halaal ingredients, would not be prohibited. People use various vitamins etc to increase muscle size or body size. Here also, they would

only be allowed Islamically permissible medication and drugs for such purposes since in all cases of sport, the need to increase muscular size or gain super strength does not really stem from a real need.

Remember that, sometimes, when we interfere with the natural size of particular organs etc, we have biological and other side effects, some of which are eternally damaging. Many drugs which are claimed to be void of side effects may only manifest the bad results long after the damage is already done.

Ahmed Fazel Ebrahim

2. I have been marred for about seven (7) months but haven't had sex yet because my husband can't perform. He has the evil on us. How long can i stay with him? They say that it is due to hasad (jealousy) but I still love him I don't want to leave him please help!

May Allah Ta'ala in his infinite mercy grant both of you a lasting and fulfilling marriage and help you to overcome the present problem, ameen. Sister, has your husband been examined by a doctor? Please do take him to one if he has not been for professional help. There may just be some simple tests which need to be conducted. If it is found that the problem is somewhat complicated, then you may be referred to the relevant professional folk within the medical field for expert help.

This problem is sometimes a minor one and sometimes not. It is best to make dua and at the same time seek constructive help.

The time period for you to remain with him depends on the findings of the relevant professional folk and your own decision thereafter. If all fails, you could perhaps seek the assistance of an aamil. May Allah Ta'ala reward you for your patience. Ameen.

And Allah Ta'ala knows best.

Sister Fadila
Social Dept

CHECKED & APPROVED: Mufti Ebrahim Desai

Notes by Ahmed Fazel

This is a typical case where the problem is most likely medical. The husband fails to realize the gravity of the situation. He has just married but fails to seek advice and treatment or to discuss his ED (Erectile dysfunction) problem.

Generally, in Hanafi fiqh, the wife has the right to seek an annulment of the marriage if her husband did not have sex with within a year after her case is forwarded to an Islamic court.

Unfortunately, his wife neither discusses the matter with him, suffers in silence and gets the wrong advise from ignorant friends who are obsessed with the idea of Sihr (black magic and witchcraft) – [Called Jaadoo in the Indian gujraati language]. She therefore comes to believe that he cannot have sex since someone has placed a form of evil spell upon him or both of them so that the marriage ends. Although we do not deny the possibility of such an occurrence, if medical solutions do not rectify the problem, the parties often end up at charlatans who dupe them into believing that a non-Muslim or impure Jinn has affected them, or that some form of Sihr was conducted against them. The charlatan then calls them at some regular interval, gives them "Blown over water" (considered more holy than zamzam by the misguided), writes a unintelligible grid of numbers or other details on paper (sometimes using safron as ink) and instructs the so-called affected with certain non-sunnah and/or sunnah given supplications.

In the India-Pakistan region, traditionally a Hakeem (herbalist or trained professional in natural medications) would be approached for treatment. Presently, besides original viagra, a host of other generic versions are flooding the markets and can freely be ordered through the net.

The so-called Aamil (unheard of in the time of Nabi SAW - in the prophetic period the noun Aamil was used for those who collected the Zakaah), who is often a professional charlatan and conman then weaves his craft of deception to earn money and attempt to drain the frustrated client with 207 or 974 fables crafted from his imagination and experience in the art of deception. Often, this charlatan is from India or Pakistan, and sometimes has the full external appearance of a Mufti or Aalim. In fact some do have the titles of Aalim or Mufti Sahib. The Aamil is regarded to have the powers to eliminate the effects of Sihr through recitation of particular incantations and through his association with the jinn.

Others provide amulets and other weird prescriptions like hitting in (blown over) nails in particular or all corners of the house, slaughtering a black goat, and other products of their trade. We do not even know how they come about with such solutions.

There are also cases where financial problems fail to allow the couple to get the required treatment.

This problem seems to become more common and it is essential for individuals to personally ensure that they do not seek to marry if they are impotent. Medical and other physical reactions of the male penis towards sexual fulfillment and desire would be indicative to some or other level of a man's ability to have sex. Since the level of piety in our times is very poor, individuals freely allow their mental float into the imaginary world of sexual pleasure to take its course. They thus know whether they have erections or are unable to acquire an erection.

It is not denied that the level of physical attraction to the other spouse also determines the extent of sexual desire or the ability to acquire an erection.

3. Sexual enhancement with wife...

Is it permissible for a man to take a 100% natural herbal medicine to enhance one's sexual relationship with one's wife and which also lengthens the size of a man's penis during erection. It is simply to have a healthier sexual relationship and to satisfy each other's needs. As we all know there are many other available natural products allowed in Islam to fulfil this need. It is also said that black seed oil and honey are beneficent to a healthy sexual relationship. And Viagra is also permissible despite it having many chemicals in it (It is also said that it lengthens a man's penis and widens it). So my question is...Is it permissible in Islam to take a 100% safe natural herbal medicine to obtain a longer and better sexual relationship with one's wife and to lengthen the penis in size for the purpose of satisfying each other?

Answer:

In the name of Allah Most Merciful Most Compassionate

If there is no harm in taking the medicine, then it is permissible. But one should keep in mind that today sex has become an obsession and a goal in itself, in Islam sex is a means for children and satisfaction for both husband and wife and not a sport.

And Allah alone gives success.

Answered by SunniPath Answer Service Team

1. It's a long while that I am unmarried. Can I imagine that I am married and living a married life?

You cannot live a married life in your imagination. This will lead to masturbation and may later lead to a desire to get illicit sex.

Also, this pattern of thought is not a normal psychological state to be in since it would engage your mind into deep thought, constant yearning for a non-existent love, and lead you to withdraw from the realities of the world. Find interest things in life to occupy your idle mind.

Ahmed Fazel Ebrahim

2. She wants to give up prayer as she feels shy before Allaah because she is committing zina

Question:

I know that zina is an immoral and evil action, and I feel too shy to stand before Allaah in prayer after doing ghusl for janaabah because of engaging in zina (unlawful sexual relations). I ask Allaah for forgiveness. Believe me, I do not feel happy and content in myself because of what I am doing, but I am trying to soothe my conscience. Should I go back to praying or not, whilst continuing to commit zina?

Answer:

Praise be to Allaah.

Undoubtedly zina is one of the major sins, one of the worst crimes, one of the most evil and immoral of actions. Allaah says (interpretation of the meaning):

“And come not near to unlawful sex. Verily, it is a Faahishah (i.e. anything that transgresses its limits: a great sin, and an evil way that leads one to hell unless Allaah Forgives him)”

[al-Isra’ 17:32]

“And those who invoke not any other ilaaah (god) along with Allaah, nor kill such person as Allaah has forbidden, except for just cause, nor commit illegal **sexual** intercourse and whoever does this shall receive the punishment.

The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace” [al-Furqaan 25:68-69]

Hence Allaah decrees a severe punishment in this world for those who commit zina, namely the hadd punishment. Allaah says, describing the punishment for the unmarried person who commits zina:

“The fornicatress and the fornicator, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allaah, if you believe in Allaah and the Last Day. And let a party of the believers witness their punishment.”

[al-Noor 24:2 – interpretation of the meaning]

But for the muhsan (one who is or has been married) who commits zina, the punishment is execution. It says in the hadeeth narrated by Imam Muslim in his *Saheeh* that the Prophet (peace and blessings of Allaah be upon him) said: "If a previously-married man (commits zina) with a previously-married woman, (the punishment is) one hundred lashes and stoning." (*al-Hudood* 3199).

Because of the abhorrence and obscenity of this action, even the monkeys are offended by it, and they carried out the hadd punishment of stoning on a monkey which committed zina, as was narrated in *Saheeh al-Bukhaari* from 'Amr ibn Maymoon who said: "During the Jaahiliyyah I saw a monkey which had committed zina, so the other monkeys got together and stoned it, and I stoned it with them." (*al-Manaaqib*, 5360).

How can an adult, accountable Muslim whom Allaah has honored with Islam be content to stoop to the level of animals and beasts which, whenever their desire is provoked, they satisfy it however they want? The seriousness of this sin is not limited to punishment in this world only, rather the punishment in the Hereafter is far greater and far worse. According to a hadeeth narrated by Imam al-Bukhaari from Samurah ibn Jundub, the Prophet (peace and blessings of Allaah be upon him) said: "Two (angels) came to me last night, woke me up and set out with me... until we came to something like a tannoor (clay oven), in which there was shouting and voices. We looked inside and saw naked men and women, towards whom flames came from beneath them. When the flames reached them, they cried out. I said to them [the two angels], 'Who are these people?'... They told me, 'As for the men and women in the structure like a tannoor oven, they are the adulterers and adulteresses...'" (6525).

If a person dies committing this sin, what will be his situation? What will he say to his Lord when he stands before Him for judgement?? Is this the way to give thanks for the never-ending, innumerable blessings of Allaah? Is this the way to give thanks for the blessings of good health? Do you think that Allaah does not see you when you are committing this great sin? Allaah says (interpretation of the meaning):

"Truly, nothing is hidden from Allaah, in the earth or in the heaven" [Aal 'Imraan 3:5]

Do you not know that these physical faculties with which you are disobeying your Creator will testify against you on the Day of Resurrection? Have you not heard the words of the Compeller (al-Jabbaar):

"Till, when they reach it (Hell-fire), their hearing (ears) and their eyes and their skins will testify against them as to what they used to do.

And they will say to their skins, 'Why do you testify against us?' They will say: 'Allaah has caused us to speak.' He causes all things to speak, and He created you the first time, and to Him you are made to return" [Fussilat 41:20-21 – interpretation of the meaning]?

So our answer is that you must hasten to repent sincerely from this great sin, regret deeply what you have done, immediately give it up and give up everything that may lead to it. The causes of zina include the following:

1 – Unveiling and wanton display by uncovering the face, hair or any part of the body. It was narrated in the hadeeth that the Prophet (peace and blessings of Allaah be upon him) said: "There are two types of the people of Hell whom I have not seen... Women who are clothed yet naked, who have gone astray and try to lead others astray also. Their heads look like the humps of camels, leaning to one side. They will never enter Paradise nor even smell its

fragrance, although its fragrance may be detected from such and such a distance." (Narrated by Imam Muslim, *al-Libaas wa'l-Zeenah*, 3971).

2 – Being alone with a man who is not a mahram for you, because the Messenger of Allaah (peace and blessings of Allaah be upon him) said: "No man should be alone with a (non-mahram) woman unless her mahram is present." (Narrated by al-Bukhaari, 3842).

3 – Beware of mixing with those whom you are not permitted to mix with, for zina only happens as a result of that. You must pay attention to your conscience and do not pay attention to the whispers of the Shaytaan when he tries to make zina look attractive and to make this crime seem insignificant. The Shaytaan has sworn by Allaah's Glory that he will mislead the sons of Adam. Allaah says (interpretation of the meaning):

"[Iblees (Satan)] said: 'By Your Might, then I will surely, mislead them all, Except Your chosen slaves amongst them (i.e. faithful, obedient, true believers of Islamic Monotheism)' [Saad 38:82]

The Shaytaan has gained a victory over you in this way, but he will not stop at making you fall into this sin, rather he is striving to make sure that you will abide in Hell for eternity – we seek refuge with Allaah from that – by making the idea of giving up prayer on the basis of this false reasoning seem attractive to you.

Because giving up prayer constitutes kufr or disbelief in Allaah. In *Saheeh Muslim* it is narrated that Jaabir ibn 'Abd-Allaah said: "I heard the Messenger of Allaah (peace and blessings of Allaah be upon him) say, 'Between a man and kuffar and shirk there stands his giving up prayer.'" (al-Eemaan, 116). And he (peace and blessings of Allaah be upon him) said: "The covenant that differentiates us from them is prayer; whoever gives it up is a kaafir." (Narrated by al-Tirmidhi, *al-Eemaan*, 2545; classed as saheeh by al-Albaani in *Saheeh Sunan al-Tirmidhi*, 2113)

So you have to pray a great deal for forgiveness, repent and make du'aa'. You have to pray regularly and pray a great deal, and strive to be humble and focused in prayer, because Allaah says (interpretation of the meaning):

"and perform As-Salaah (Iqaamat-as-Salaah). Verily, As-Salaah (the prayer) prevents from Al-Fahshaa' (i.e. great sins of every kind, unlawful sexual intercourse) and Al-Munkar (i.e. disbelief, polytheism, and every kind of evil wicked deed)" [al-'Ankaboot 29:45]

"And perform As-Salaah (Iqaamat-as- Salaah), at the two ends of the day and in some hours of the night [i.e. the five compulsory Salaah (prayers)]. Verily, the good deeds remove the evil deeds (i.e. small sins)" [Hood 11:114]

You should not think that repentance is too difficult or feel that Allaah will never accept your repentance, for the Shaytaan is keen to sow the seeds of despair in your heart.

You should note that whoever repents, Allaah will accept his repentance and change his bad deeds into good deeds. Allaah says (interpretation of the meaning):

"Except those who repent and believe (in Islamic Monotheism), and do righteous deeds; for those, Allaah will change their sins into good deeds, and Allaah is Oft-Forgiving, Most Merciful.

And whosoever repents and does righteous good deeds; then verily, he repents towards Allaah with true repentance" [al-Furqaan 25:71]

The gate of repentance is open, and no one can stand between you and repentance. The Prophet (peace and blessings of Allaah be upon him) said: "Allaah will accept the repentance of His slave so long as the death rattle has not yet reached his throat." (Narrated by al-Tirmidhi, *al-Da'waat*, 3460; classed as hasan by al-Albaani in *Saheeh Sunan al-Tirmidhi*, 2802).

Allaah rejoices over this repentance. According to a hadeeth narrated by Imam Muslim in his *Saheeh* from Anas ibn Maalik, the Messenger of Allaah (peace and blessings of Allaah be upon him) said: "Allaah rejoices over the repentance of His slave when he repents more than any one of you would rejoice if he were travelling in the wilderness and his camel which was carrying his food and drink wandered off, and he despaired of ever finding it, then he comes to a tree and lies down in its shade, thinking that he will never see his camel again, then whilst he is like that he sees it standing next to him, so he seizes its reins and says, 'O Allaah, You are my slave and I am Your Lord!' making this mistake because he is so happy." (*Baab al-Tawbah*, 4932).

Finally, after you have repented you must cut off all the routes that may lead to evil, by means of the way prescribed in sharee'ah which Allaah has permitted, namely marriage. You should note that it is not permissible for a Muslim man or woman to marry a person who has committed zina unless he or she repents to Allaah. If he repents and gives up this sin, then it is permissible for you to marry him after he repents. Please see questions no. [11195](#) and [2627](#).

May Allaah help us and you to repent sincerely. And Allaah knows best. May Allaah send blessings and peace upon our Prophet Muhammad.

Islam Q&A

Intimacy during fasting

1. Where can my husband enjoy me while I am fasting?

He cannot caress her between the navel to the end of her knees. If she does feel that she reached orgasm during playing her fast will be broken.

Thus they must not play with each other to the extent that will cause them to reach sexual climax.

Ahmed Fazel Ebrahim

Massage Services

1. Ejaculation during massage

I was having some pains all throughout my body, especially in my muscles and joints; therefore, I decided to get massage therapy. I made a search and found a spa club that has male masseurs. I had not wanted to commit a sin, so I did not ask for a female therapist. I thought everything would be OK, but when the therapy started, the masseur started to give

me a massage using special oils. That was relaxing at the beginning, but I was aroused and had an erection. I kept reciting *A'oozu* and *Bismillah* to keep satan away. I told myself to calm down because I thought I really needed this therapy to get rid of my pains. I kept thinking of wrestlers and told myself that if that was not unlawful, my massage should not be either. I wish I had asked the masseur to stop because after a certain time, I couldn't help ejaculating. I am not sure if he realized it because we were in a room with dim light, and he always kept a towel on my private parts.

I did an online search and saw that therapists see it normal that sometimes their patients get aroused and ejaculate. They get it as a physiological response to relaxation. However, I am not sure if I ejaculated for the same reason because I remember I was also getting some kind of pleasure from being touched by a muscular man.

Since I am not married, I do not know much about sexual experience. That's why I cannot decide exactly how I felt. I have realized that I committed the sin of exposing my *awrah* (private area between navel to just below the knees) to a stranger. Although I had my boxers on, I should have covered the parts between my navel and knees. I repent to Allah for that. Besides, there is another thing that gives me greater pain. Do you think my situation constitutes *zina* in Islamic law? If so what should I do other than repenting and imploring Allah to forgive me my sins? I feel like a scum bag now that I have contaminated the clean body Allah gave me. Is there a way to wash all the evil away? Lastly, do I have to marry a woman in the future who committed *zina*, too, since I think there is such a ruling in verse 3 of Surah Al-Nur?

PS: I do not follow a specific *madhhab* although I am of a Sunni background. I try to do what does not cause *shirk*

Answer

There are different levels of Zina.

The reasons why you got an erection was most probably because you allowed your mind to float into the dark avenues of illicit sexual gratification while you were massaged. You felt that it was fine to do so since the person massaging you cannot witness what is in your mind and cannot see your penis getting erect. Thus, you eventually could not control yourself and brought your mind to a level of ejaculation.

This is not like actual Zina (adultery) with a female. It is near the point of masturbation. Thus make Taubah and conceal the matter. Allah is all forgiving.

You can marry any Muslim who is willing to accept you as a husband immaterial if she is virgin or non-virgin. The verse you quoted has a different interpretation

Ahmed Fazel Ebrahim

2. Getting a pelvic massage to eliminate impotence

Fatwa No. : 86158

Fatwa Title : Efforts to overcome impotence

Fatwa Date : 11 Rajab 1424 / 08-09-2003

Question

In Malaysia there are lots of advertisements even by Muslims that offer "traditional massage". Among the claimed benefits of these massages are: 1) To overcome the problems of inability to erect (impotence). 2) For enlargement of the penis, etc. The process involves the "massager-other people" to massage our private parts to ease the blood flow. On the Internet, there are websites that teach you how to touch yourselves to overcome the problems faced. In my

case, I believe my need is more to resolve the problem of impotence. I am confused. Is this acceptable in Islam? Furthermore, is this considered as altering Allah's creation even though not by surgery? Also, is it good to be naked even on our own?

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

The individual, staying by himself, may expose his private parts if necessary; otherwise it is disliked to do so according to Islamic teachings. The authority for the permissibility of staying naked in private is this Hadith: **Abu Hurairah** narrated that the Prophet (Sallallahu Alaihi wa Sallam) said: **The Apostle Ayoub was having a bath naked when locusts of gold fell on him.** [Reported by al-Bukhari]

The under mentioned Hadith is an authority to prove that it is disliked to expose your private parts when it is unnecessary to do so. It is narrated that Allah's Apostle said: **"Cover your private parts (Awrah) except before your wife or the female captives that you possess.** A companion said: What if there are persons of the same sex in a place? The Prophet (Sallallahu Alaihi wa Sallam) said: **"Try hard not to expose your private parts to others".** The companion said: What if I am by myself? Allah's Apostle said: **"You are to feel more shy from Allah than you do from human beings".** [The Hadith is reported by **Abu Dawood , al-Tirmizi , al-Nasa'e , Ibn Majah and Ahmad**]

The treatment for impotence as for other ailments is permissible provided some rules and restrictions are fulfilled:

1. There is a high probability that such treatment will be effective in your case.
2. It will not result in changing Allah's Creation.
3. It will not unnecessarily expose your private parts to strangers. This means that if it is possible for you to do the massage by yourself or by your wife it is not permissible for you to let others do it for you.

You may better see specialist doctors who prescribe the best drug for your case instead of exposing your private parts to masseurs. Furthermore, it is not advisable to browse Internet sites for allegedly trying to learn the techniques of this massage, because you may be tempted to see pornography.

Allah knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

Kissing

1. Can a eight year old boy kiss a non-Mahram female?

What the minimum age must be for a man in front of whom I must do niqaab, as I recently went to a family friend's house and was not sure whether to remove my niqaab in front of the 11 year old boy (I'm 17 years old).

Also is it permissible for a 7/8 year old boy to whom i have no relation to kiss me on the cheek.

Reply

In the same way that females become physically mature (*Baalighah*) at different ages, there is no fixed age at which a boy becomes mature. Perhaps 12 is a safe age for a boy, which you could use as a guiding measure for the purpose of *Hijaab*.

However, covering the face (wearing a *Niqaab*) before non-Mahrams is considered obligatory by some jurists while others do not regard covering the face as a compulsion. Thus, it would, as a matter of *taqwa*, be preferable for you to cover your face.

Yes it is permissible for a 7/8 year old boy to whom you have no relation to kiss you on the cheek. However, this should not be encouraged. The boy who is *non-Mahram* to you should be taught from a young age to distance himself from non-Mahrams otherwise the habit continues and could lead towards the desire for passionate kissing and other things that follow.

Aids

1. My spouse has aids. Can I refuse to have sex with him/her?

Yes, if your husband/wife has aids it is your right to refuse to have sex with him/her. In fact, it is your Shariah duty to refuse to have sex with him/her in order to protect your life. Allowing yourself to have sex with someone having aids is almost suicidal since you accepting to get infected and suffer a slow death. You are then also lowering or eliminating the chance of getting another spouse after death/divorce from the present one.

Also, where it is proved that the other spouse has contracted aids due to illicit sexual activity, the husband can divorce his wife (or the wife can request for a divorce or an annulment of the marriage).

Sexual disinterest or aversion to sex

1. My husband does not have sex with me!

There are many reasons why couples stop having sex with each other.

1. In cases where both the spouses are enjoying extra-marital affairs, they sleep in the same bed but never care of enjoying each other sexually because both are fulfilling themselves out of the home.
2. Where one party is enjoying Haraam sex outside marriage, the other party begins to suffer loss of love and sexual intimacy.
3. Then there are genuine cases where sexual activity ends without any Haraam activity from both of the spouses. This is also due to many factors.
 - 3.1 This can be a result of constant mutual argumentation which results in the loss of love and interest from one or both the parties.
 - 3.2 Where spouses are happy, but no sexual activity takes place, the parties should pay attention towards their physical well being, appearance and dressing. Exercising, losing fat and getting fit is essential in a marriage. The spouses should also attempt at making themselves attractive to each other.
 - 3.3 Where the husband has ED (erectile dysfunction), the Shariah does not stop him from getting medical help. Fortunately Mr. Viagra (sildenafil citrate) lives all over society and can be used after medical advise. Various other medical treatments are available.

2. Wife's sexual rights

Fatwa No. : 86403

Fatwa Title : Sexual rights of a wife

Fatwa Date : 08 Sha'baan 1424 / 05-10-2003

Question

What are the wife's rights related to sexual relationships. What should a wife do if her husband can't satisfy her sexually. He is very good husband in all ways but just doesn't have interest in sex. He has some physical problem due to which we unable to have kids but he is still fit for intercourse but now with the passage of time he is loosing interest in sex. The wife wants to have sex and still want to try again and again for kids, still hopeful. The wife is really upset because of her husband's attitude. She is easily attracted to bad movies and at times wants to enjoy through movies. What should she do?

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

The husband should deal honourably and kindly with his wife in everything, above all, in regards to the expenditure and the sexual relationships. In fact her right to sexual intercourse is given priority over other rights as the main objective behind marriage is to satisfy the sexual desire of both spouses. And if the husband satisfies his wife's sexual desire he is rewarded for that if he had the proper intention before indulging in sex with her. [Muslim](#) reported that the Prophet (Sallallahu Alaihi wa Sallam) said: [There is a Sadaqah in man's sexual intercourse.](#) [[Muslim](#)]

Ibn Qudamah said: [Imam Ahmad](#) was once asked whether the man was rewarded for having sex with his wife while he did not have any desire for sex. [Ahmad](#) replied affirmatively.

The wife also should beautify herself for her husband to please him and excite his desire using any lawful means. She can even tell him expressingly about her desire and need for sex.

As for using pornographic films and photos, this is forbidden. It is but a Satan's gate to sin and depravity. So fear Allah, be patient and seek the Reward of Allah. We ask Allah to guide you and ease your matters.

So, be patient and tell your husband about the reward he could get anytime he satisfies your sexual need.

Allah knows best.

Fatwa answered The Fatwa Centre at Islamweb by:

Loving another man's wife

1. Me and my friend desire to exchange our wives with each other after a divorce

We are two Muslim male friends, living close to each other in London. We both are married and almost same status and about 40 years of age.

We have one common problem with our wives that we have absolutely different minds, like or dislikes etc. It is quite normal in partnerships! We found that what I like to have or to do anything, my friend's wife likes and my wife dislikes, on other hand what my friend likes or thinks his wife is against it but my wife likes that. We both have always a non stop fight at homes because of different minds, there is no sukoon (Mental tranquillity) in both of our lives. There are so many things are common in other's partner that we thought that if it is allowed in Islam why we should not divorce our wives and marry other's wife. Both women are first cousin to each other! We have decided to leave children with mothers. We both have 2 children each. The kids have the same ages. Please tell us if it is allowed to do this? Any conditions on it? etc..

Reply

Only matured minds who have married understand the statement "marriage is not a bed of roses".

The issues in life and absence of Islamic values leads to greater problems. This then escalates into either constant and daily argumentation which then leads to domestic violence, socially remaining apart from each other, illicit relationships and ultimately into divorce.

Matters can get more ugly when the divorce does not end hell on earth but starts another hell in regard to custody of the children, their care, legal battles and mental stress.

When you get too close, socially, to another man's wife, you do not see her life beyond the screens of her skin, complexion, figure, physical attraction, sweet speech, kindness and hospitality. Your mind then begins to entertain the thought of "how nice would sex be with her and you would enjoy her". These satanic attractions captivate your mind and continue to linger. In fact, these mental ideas and sexual cravings then escalate with every sight of the person/s unto whom you become sexually attracted. These emotions lead you to further disgust the partner you have and you begin to regularly contemplate the thought of how nice life would be in another woman's arm or how passionately you would sexually enjoy another man's wife.

Iblis's deputy, one or many of the Shaytan's, has now psychologically counselled the weak state of both of your minds to divorce each other's wives so that each of you can marry the other's wife after their respective periods of iddah. If you do this, the sexual fantasy will end fast and you will see the reality of life through other lenses. You will be unable to care for each other's kids in the manner that express feelings and sentiments for your own kids.

The minds of your new wives will then linger in the other's (or previous) home since each of you will necessarily have to have an association with your kids which will be in the homes of each other. A new chapter of problems will brew between each of you and his new wife. Both of you will then decide that the grass was greener in the patch where you previously were.

Your close association with each other is dangerous. You need to end association with each other. Only let your wives contact their first cousins when necessary or after long intervals.

Both of your families must not socially integrate otherwise you would be prone to engage in illicit sexual activity with each others wives. In fact, both of you will begin to condone such activity.

Right now, both of you are most likely hating to sleep with your own wives and when you lay in bed since your mind dances in the court of Shaytaan contemplating how joyful the other women would be.

I suggest that each of you begin to make your salaah. Read at least 200 times Astagfirullah after each Salaah. Direct your children towards a more Islamic pattern of life. Both of you should also abstain from unnecessary association with the opposite sex since each of you is driven by Shaytaan to seek love elsewhere.

Perhaps if you are both inactive with your spouses, see if, after proper medical advise, whether Viagra (or some similar product) can get both of you busy.

May Allah grant both of you marital bliss.

Ustadh, Ahmed Fazel Ebrahim

Sexual Abuse

1. I was abused 8 times before marriage.

Question:

I am a 19 years old girl. I grew up in a religious family, they taught us la ilaha illa Allah, Muhammad Rasool Allah (There is no god but Allah and Muhammad is His messenger). They planted the principles of Islam in our minds and the pillars of it in our hearts. All praise be to Allah for this great grace.

I was sexually abused eight times by a person related to my family. He became a nightmare in my life. I still see him in all faces. After a period of time I got rid of these horrible memories by Allah's help then by my fiancée's. I told my fiancée everything happened in details; because he eventually got to some how know of my past through some people whom I do not know. These people gave my fiancée the number of the man who abused me and my fiancée called him. That person told him lies about me, things that have nothing to do with what has really happened. So I had to tell him the truth and explain when he told me that he found out. My fiancée understood my situation and helped me to forget the matter. After this we had a problem, so I suggested staying away from each other for sometime to calm down, until we find some solution. Then he shocked me by his reaction, which is separation. I tried to understand why he decided this. I found that he who previously helped me is now telling me how weak and narrow minded I am. His revenge was destroying my life.

I tried then to bring this problem to an end, but he insisted on consulting a scholar in the matter. He asked me to ask the scholar about the reward that will be waiting for him, and what he should do especially that he can not stop thinking of taking revenge.

Please tell me about a similar story that happened in the past, and what shall I do now? No one believes that I am innocent but Allah knows best that I am. I do not complain of my grief but to Allah the All-Knowing.

I want to tell you that recently I been very firm with my fiancée, while I am the reason for his suffering. But I realised my mistake and I want to make up. Tell me what I should do. Finally: please excuse me and forgive me. Please answer my question as soon as possible. May Allah reward you.

You may be wondering why I did not tell my family about what happened although it was repeated eight times. The reason is the fear, my fear of the scandal especially that he was threatening and hitting me, and that there is no talk about these matters at all at our home. I wish you understand me, may Allah reward you.

Answer:

Praise be to Allaah.

Firstly:

We ask Allah to relieve your distress and grief for the effects of molestation are many and great. We ask Allah to destroy those molesters and those who are not kept in check by religious commitment, reason or decent human nature for they have no respect for religious teachings. They have thus corrupted their reason and lost their decent human nature.

If we are surprised by anything, it is that this criminal molested you at the age of 16. This is an age in which one is big and able to shout and defend oneself, especially since that happened a number of times. You could also have stopped him by telling your family. No matter how cut off the family members may be from one another, they would not take such incidents lightly. We think that this criminal molester has conveyed this message to your fiancé and told him that you agreed to what he did, and he is the one who has made him change his attitude towards you.

We believe that you were forced, and that you could not escape from his evil actions. We want to support you at this hard time, so we say:

This is something that Allah decreed for you. Chaste Muslim women in prisons in Muslim and kaafir countries have suffered a great deal from molestation and rape at the hands of Muslim and kaafir evildoers. One's heart would break when hearing their stories and one would wish that he had died before hearing such things.

Our consolation is that Allah will wreak vengeance upon these criminals, and that Allah will decree reward for our sisters, but they should seek reward with Him for these calamities. They must bear with patience that which Allah has decreed for them. It is not permissible for them to commit suicide and kill themselves, for that is a crime and a major sin. We are not saying that it is something easy for the woman who has been molested, rather it is a serious matter, and the effects on the molested woman are grave. Some of them suffer mental illnesses, and some commit suicide or think of suicide. Some of them follow a path of deviation and haraam relationships with strangers. Some of them become depressed and alienated from their husbands. Hence it is essential for the woman who has been molested to seek reward for what has happened to her and to bear its effects with patience, and to seek strength by acts of obedience and faith so that Allah may honour her with purity of heart and peace of mind.

Secondly:

Those who told your fiancé about what happened to you were wrong, and they have to repent and seek forgiveness, because it is not permissible for them to make people's honour a topic to chat about in their gatherings, or to create troubles among people, or to cause them harm. What they should have done was to conceal it and not spread it among people. They should realize that they have sisters and daughters, and for certain they would not want people to do to them the same that they have done to those who were affected by this calamity.

It was narrated from Sahl ibn Sa'd that 'Uwaymir came to 'Aasim ibn 'Adiyy, who was the chief of Banu 'Ajlaan and said: What do you say about a man who finds a man with his wife? Should he kill him then you would kill him, or what should he do? Ask the Messenger of Allaah (peace and blessings of Allaah be upon him) about that for me. 'Aasim came to the Prophet (S) and said: O Messenger of Allaah, but the Messenger of Allaah (peace and blessings of Allaah be upon him) disliked such questions. 'Uwaymir asked him and he said: The Messenger of Allaah (peace and blessings of Allaah be upon him) disliked the question and considered it shameful.

Narrated by al-Bukhaari (4745) and Muslim (4929).

Al-Nawawi (may Allaah have mercy on him) said: With regard to the words "The Messenger of Allaah (peace and blessings of Allaah be upon him) disliked such questions and considered it shameful", **what is meant is that he disliked questions for which there is no need, especially if it involves uncovering the secrets of a Muslim man or woman, or spreading evil or disclosing something condemnable about a Muslim man or woman.**

Thirdly:

You do not have to divulge this secret to anyone, even if he proposes marriage to you. People are not able to keep secrets. There is hardly any Muslim whose religious commitment or reason is sound enough to conceal a matter like this or overlook it.

As your fiancé has treated you in this manner and wants to separate, this indicates that he has been influenced by what that criminal said, and he may have already decided that life with you will be miserable. What we advise you to do is keep away from him altogether and do not marry him, because you cannot be sure that it would not affect your lives after that.

Ask Allah for guidance concerning this separation by praying istikhaarah, and asking Allah to divert you from marrying him if marriage to him will be bad for your religious and worldly affairs, and ask Allah to decree good for you and make you content with it.

So pray istikhaarah; you can find more information about it in the answer to question no. [11981](#).

If your fiancé wants to change his mind about separation, he should understand that his reward with Allah will be great if he conceals what he knows about something that was beyond your control. But this must be based on full conviction; it should not be an emotional decision that will soon change. If he wants to come back and get married, then it is not permissible for him to criticize you or blame you for what happened to you, rather it is recommended that he keep quiet and be patient in the hope of reward from Allaah.

And Allaah knows best.

Islam Q&A

2. I am a victim of sexual abuse at home when I was a very young child. Our household situation was really crazy.... I am still traumatized by it, and feel deep despair about life and my personal situation... Is there any way out of this?

Answer:

In the Name of Allah, the Gracious, the Merciful.

Dear Sister,

I pray this message reaches you in better health and spirits.

Please bear with me, as a few points need to be discussed:

1. Too often, sexual abuse is swept under the carpet in our communities. This does not help; in fact, it makes matters worse because the perpetrators believe that they can get away with their actions.
2. When someone is sexually abused by a family member, this a double betrayal. First, that person broke the trust of kinship. Second, that person took advantage of the family member's loyalty not to reveal the secret.
3. Healing from sexual abuse is a lifelong process, which involves both the individual and the family. Until the family acknowledges that you were hurt and they failed to protect you, things will not move forward. Until the abuser takes responsibility for his actions, things will not go forward. And until you stop blaming yourself, things will not move forward.
4. Things are not alright and you should not pretend otherwise. There is nothing wrong with seeking professional help. In fact, you owe this to yourself. Your family also needs to seek therapy. You've mentioned other disturbing incidents, including attempted suicide. All of these problems need to be dealt with. Pretending that's everything's okay is a sure recipe for disaster since these problems will continue to fester.
5. I understand that you're concerned about your parents' health. Yes, they might not have the best reaction if you seek therapy. But you owe it to yourself to begin the

healing process. And until you begin to heal yourself, it's not going to be possible to help those around you.

May Allah Ta'ala give you and your family healing from these illnesses and forgiveness for your sins.

And Allah knows best.

Answered by Ustadha Zaynab Ansari, SunniPath Academy Teacher

Rape

1. He raped his wife's daughter (from a previous husband)

I'm a married man. My father died before my birth. My mother is now married to his younger brother. I have two step brothers and two step sisters. Life was going very smoothly Alhamdulillah. I had no complaint towards my stepfather until I came to know that my stepfather raped my sister. He loved me very much.

I work outside the city and my wife lives with me. Few days ago when I went home my sister told me about what he did to her.

She told me that my stepfather has been sexually abusing her and had forcefully had sex with her about fifteen times in last five years. I was shocked to here this because I never expected this from a person whom I respected more than the respect I could have showed to my father if he was alive.

My sister has bore this matter for the last five years and has kept quite for her own respect. Now our stepfather has started black mailing her by misguiding my mother about her character. He also demands that she fulfils all her duties as a daughter i.e. serving food, water, pressing clothes etc. which I think are very difficult for her. Even if she hesitates, he shows his anger in front of everybody and, especially, teases her mother saying that her daughters are like this and that.

It is very difficult for me to respond.

1. What should be my sisters' response be if he tries to do it again?
2. Is she still bound to respect her or fulfil her daughterly duties? If not how can she convince her mother, as our mother considers that my stepfather is not less than an angel?
3. She does not even wants to see his face but he starts shouting in front of our mother (who is a hepatitis patient and we love her very very much). We do not want to inform her because she' ill simply die.
4. Since my stepfather is mentally sick and psychologically ill (in terms of his secret sexual assault), he can sexually assault any one else. How do we warn my younger sister and my wife?
5. As he is my stepfather, and until I came to know of this shameful act, I loved him very much. How could I stop his entry in my house?
6. What should be my behaviour with him?

Please answer me as soon possible in light of Quran and Sunnah.

Reply

1. If possible, your sister should not live within your household. She must be immediately taken away to live with trustable family members (an aunt or another safe uncle, grandparents etc)

Likewise, if you have any other sisters (real or step) who are young and could be endangered by his sexual assault and misconduct, they should also be taken away to live elsewhere.

I do prefer that you and your mother engage in a serious family meeting, and via the assistance of some Islamic or other social organization, make preparations to relocate all together elsewhere if the house in which you people reside with him does not belong to your mother or family. If it does, you should report him and no longer allow him admission into your home.

The punishment for rape in Islam is the same as the punishment for *zina* (adultery), which is stoning to death if the perpetrator is married, and one hundred lashes and banishment for one year if he is not married. This is provided that the rapist confesses.

If a woman is raped, she should press charges against the person who raped her. If it is proved, by means other than the confession of the rapist, that she was raped, then the court must apply discretionary punishment or *ta'zir* on the rapist. Such discretionary punishment may reach the death penalty, according to some schools of thought. This is based wholly on the fact that such a rape was confirmed through medical tests, diverse forms of analysis and court procedures without acquiring an actual confession of the rapist himself.

In cases where the rapist confesses the crime, then the penalty for *zina* (illegitimate sexual intercourse) is to be applied to him. If he is not married, then he is to be whipped 100 lashes. If he is married, then he is to be stoned to death.

Ibn `Abdul-Barr (may Allah bless his soul) said: The scholars unanimously agreed that the rapist is to be subjected to the *hadd* punishment if there is clear evidence against him, or if he admits to that. Otherwise, he is to be punished (in other formats) (i.e., if there is no proof that the *hadd* punishment for *zina* may be carried out against him either because he does not confess or because there are no four witnesses to his act, then the judge may punish him and stipulate a punishment that will deter him and others like him). There is no punishment for the woman if it is true that he forced her and overpowered her. (*Al-Istidhkār*, 7/146).

In terms of the following details in the Hanafi madhhab, if a man has sex with his wife's daughter (from a previous marriage), that man's marriage with his wife automatically ends eternally. She does not require to seek an annulment of the marriage.

بداع الصناع - أبو بكر الكاساني الحنفي - كتاب النكاح

فصلٌ بِيَانٍ مَا يَرْفَعُ حُكْمُ النَّكَاحِ

وَمِنْهَا الْمُصَاهَرَةُ الطَّارِئَةُ بِأَنْ وَطَئَ أَمْ أَمْرَأَتِهِ أَوْ ابْنَتِهَا ، وَالْفَرْقَةُ بِهَا فِرْقَةٌ بَغْيَرِ طَلاقٍ ; لِأَنَّهَا حُرْمَةٌ مُؤَبَّدَةٌ حُرْمَةُ الرَّضَاعِ ، وَالْفَرْقَةُ فِي هَذِهِ الْوُجُوهِ كُلُّهَا بَانِيَةٌ ; لِأَنَّ الْمَقْصُودَ فِي بَعْضِهَا الْخَلَاصُ ، وَأَنَّهُ لَا يَحْصُلُ إِلَيْهَا بَانِيَنِ ، وَفِي بَعْضِهَا الْمَحَلُّ لَيْسَ بِقَابِلٍ لِبَقَاءِ النَّكَاحِ ، فَافْهُمْ ، وَاللَّهُ أَعْلَمُ .

In terms of the following details, Imam Ash-Shafi does not consider (willful) *zina* to terminate a Halaal marital bond between two spouses. Thus, according to him, there is more reason that the marriage of a man will not automatically

dissolve if he had forced/raped his wife's daughter (from another man) to have sex with him.

كتاب الأم - للإمام الشافعي
مختصر في النكاح

ما جاء في الزنا لا يحرم الحال من الجامع ومن اليمين مع الشاهد .
(قال الشافعي) رحمة الله الزنا لا يحرم الحال وقال ابن عباس .
(قال الشافعي) ; لأن الحرام ضد الحال فلما يقاس شيء على ضده قال لي قائل يقول لو قبّلت امرأة ابنته بشهود حرمت على زوجها أبدا لم قلت لا يحرم الحرام الحال ؟ قلت : من قيل أن الله تعالى أئم حرم أمها نسائكم ونحوها بالنكاح فلم يجز أن يقاس الحرام بالحال فقال : أجد جماعاً وجماعاً قلت جماعاً حدمت به وجماعاً رجمت به وأحد هما نعمة وجعله الله سبباً وصهراً وأوجب حقوقاً وجعلك حرمماً به لأنك امرأتك ولابنتها شافر بها وجعل الزنا نعمة في الدنيا بالحد وفي الآخرة بالثار إن أن يعفوا فتقيس الحرام الذي هو نعمة على الحال الذي هو نعمة ؟ وقلت له : فلو قال لك قائل وجدت المطافة ثالثاً تحل بجماع زوج فلحلها بالزنا ؛ لأن الله جماع كجماع كما حرمته به الحال ؛ لأن الله تعالى أحلاها ياصابة زوج قيل وكذلك ما حرم الله تعالى في كتابه بنكاح زوج واصابة زوج قال : أفيكون شيء يحرم الحال ولا يحرمه الحرام فأقول به ؟ قلت : نعم ينکح أربعاً فيحرم عليه أن ينکح من النساء خامسأ فيحرم عليه إذا زنى باربع شيء من النساء قال : لا يمتنع الحرام مما يمتنع الحال . (قال) وقد ثرثد فحرم على زوجها ؟ قلت : نعم وعلى جميع الخلق وأفثلها وأجعل مالها فينما . (قال) فقد أوجدتك الحرام يحرم الحال قلت : أما في مثل ما اختلفنا فيه من أمر النساء فـ . (قال المزني) رحمة الله تركت ذلك لكرته وأنه ليس بشيء .

If she is a follower of the Shafi madhab, I instruct that your mother should demand of him to issue a talaaq. If he does not do so, she must apply for a fask/tafriq (annulment) and end the marriage.

It is also my view that she should, as a result of his actions, neither sleep with him, nor have sex, nor serve his needs (food and other issues).

Report the matter, without fearing any degree of shame, to police or local authorities and any Ulama or Islamic organization who can responsibly deal with the matter.

I think it important to disgrace this dog (your stepfather) in his work environment. Inform his employers and close friends. Also notify the neighbours.

- Considering the fact that your stepfather raped her on numerous occasions, she must not serve him since he is entitled to the Hadd (Islamic punishment of being stoned to death). However, this may be difficult to prove in court. Also, the Hadd may not be applied in your country of residence especially if you live in a non-Muslim state.

She needs to honestly disclose all the details to your mother. If this is hard for her, she must do so with the assistance of one or more honourable Muslim ladies, Islamic social workers or non-Muslim social organisations which deal with such matters.

It is not your sister's (from your real mother and father) duty to serve him since she is not his daughter. It is rather a moral duty to some level or the other, which is possibly augmented to some level if your stepfather was paying for her clothing, food, residence and other needs.

- Your mother will not die if she is informed of the matter. If, in the worst case scenario, she dies, it is something we will just have to accept and deal with.

She may be hurt for a long while and suffer the pain of realizing who she married. However, it is better for her to suffer this then to allow the present suffering borne by your sister. It is better for your mother to loose her marriage then continue to live with a wild dog in Muslim garb.

4. Your stepfather's sexual cravings and lust were most likely also executed against many others in society. He might be a serial rapist as well with a particular tendency to select young females who he can terrorize.

Men like these are very gullibly called by us as "psychologically ill," but in reality they may well be normal people with violent tempers and very high degrees of craving for sex due to a history of illicit sexual activity and other factors.

It is your duty to protect your household. Thus, all members of your family must be informed. Also inform your stepbrother's brothers and sisters and/or others from his family members whom you know.

5. If you are living separately from where he lives, ask your wife and family not to open the door for him. Phone the police the moment he comes and tell them you fear getting raped. Directly tell him that you know what he done. If you living in an Islamic state seek advise as to how the courts would deal with the matter. If you living in a non-Islamic state, then also acquire legal advise that can curb his activity.

6. In terms of Maliki fiqh, a *mustakrahah* (female rape victim) cannot marry unless she makes *Istibrā'* (passes a waiting period to establish being free from pregnancy) through a period of three haid (menstrual cycles).

قال مالك والمغتصبة لا شك حتى تستبرئ نفسها بثلاث حيضر

The following are the Maliki rules in the case of the diverse modes of rape

الإتقان والإحكام في شرح تحفة الحكام المعروض بشرح ميارة
محمد بن أحمد الفاسي (ميارة)

باب في الضرر وسائر الجنایات
فصل في الاعتصاب

وَأَطْلَى لَحْرَةً مُتَقْبِبًا
إِنْ ثَبَتَ الْوَطْعُ وَلُوْبَيَّنَةً
وَقِيمَةَ النَّفْقَصِ عَلَيْهِ فِي الْأَمَةِ
وَالْوَلْدُ أَسْتَرْقَ حَيْثُ عِلْمًا
صَدَاقُ مِثْلِهَا عَلَيْهِ وَجَبَ
بَأْنَهُ عَابَ عَلَيْهَا مُعْنَى
هَبْهَا سَوَى بَكْرٍ وَغَيْرِ مُسْلِمَةٍ
وَالْحَدُّ مَعَ ذَكَرَ عَلَيْهِ فِيهِمَا

يعني أنَّ منْ عَصَبَ امْرَأَهُ وَأَكْرَهَهَا عَلَى الرِّزْنَى وَرَزَنَى بِهَا مُكْرَهَهُ فَإِنَّهُ يَجِبُ عَلَيْهِ صَدَاقُ مِثْلِهَا بَكْرًا كَانَتْ أَوْ ثَبِيَّاً ، إِنْ ثَبَتَ الْوَطْعُ إِمَّا بِإِقْرَارِهِ أَوْ بِبَيِّنَةٍ عَلَى الْوَطْعِ أَوْ بَيِّنَةٍ بَأْنَهُ عَابَ عَلَيْهَا عَبَيَّهُ يُمْكِنُ وُقُوعُ الْوَطْعِ فِيهَا وَادْعَةُ الْمَرْأَهُ ، وَإِنْ لَمْ يُشَاهِدْ وَطْوَهُ لَهَا وَعِيَا النَّاظِمُ بِهَذِهِ الصُّورَةِ لِنَنَأِيَّ بِهَذِهِ الصَّدَاقِ فِيهَا ؛ فَيَكُونُ عَيْرُهَا مِنْ الْإِقْرَارِ بِالْوَطْعِ أَوْ قِيَامِ الْبَيِّنَةِ عَلَيْهِ أَخْرَى فِي وُجُوبِ الصَّدَاقِ . وَهَذَا إِنْ كَانَتِ الْمَرْأَهُ حَرَّهُ ، وَإِنْ كَانَتْ أُمَّهُ فَإِنَّ عَلَيْهِ مَا نَقْصَهَا بِكْرًا كَانَتْ أَوْ ثَبِيَّاً مُسْلِمَهُ كَانَتْ أَوْ كَافِرَهُ ، وَوَلْدُهُ رَقِيقٌ لَسِيدُهَا إِذَا عِلْمَ ذَلِكَ وَبَيَّنَهُ الْوَجْهُ الْمَذَكُورَهُ وَعَلَى ذَلِكَ بَيَّنَهُ بِقُوْلِهِ : حَيْثُ عِلْمًا وَقَسَرَهُ الشَّارِخُ بِقُوْلِهِ : إِذَا عِلْمَ بِرْقَهَا . اهْ فَتَأْمَلْهُ فَإِنَّهُ عَيْرُ ظَاهِرٍ وَاللَّهُ أَعْلَمُ .

(قال في المقدمات :) وَكَذَلِكَ مَنْ اسْتَكْرَهَ أَمَّهُ أَوْ حَرَّهُ فَوَطَنَهَا فَعَلَيْهِ فِي الْحَرَّةِ صَدَاقُ مِثْلِهَا وَفِي الْأَمَةِ مَا نَقْصَهَا مِنْ ثَمَنِهَا بِكْرًا كَانَتْ أَوْ ثَبِيَّاً ، خَلَافَ قَوْلِ أَبِي حَنِيفَهُ لَا صَدَاقَ عَلَيْهِ مَعَ الْحَدِّ ، وَهَذَا إِذَا ثَبَتَ عَلَيْهِ الْوَطْعُ بِأَرْبَعَهُ شَهَدَاءَ عَلَى مُعَايِنَهُ الْفَعْلِ ، أَوْ أَقْرَأَ بِذَلِكَ عَلَى نَفْسِهِ ، أَوْ ادَّعَتْ ذَكَرَ عَلَيْهِ مَعَ قِيَامِ الْبَيِّنَةِ عَلَى عَيْنِيَّهُ عَلَيْهَا . اهْ اسْتَنْطَرَهُ الشَّارِخُ عَنِ الْمُقْرَبِ حُكْمُ مَنْ اعْتَصَبَ امْرَأَهُ وَوَطَنَهَا فِي دُبُرِهَا وَأَنَّهُ يَجِبُ عَلَيْهِ الصَّدَاقُ وَلَا يَجِبُ عَلَيْهِ

الحد إلى بالقرار أو بالشهادة على الوطء، وأما إن لم تكن الشهادة إلى على الاعتصاب والخلوة وادعى المرأة الوطء وأنكر هو، فإنه لا حد عليه بل يعاقب عقوبة شديدة. ووطني مبتدأ سواعده العمل في الحرمة ومُعتصبًا حال من واطني لشخصيه بالعمل المذكور، وصادق مثها مبتدأ، وجملة وجبا عليه خبره، والجملة الكبرى خبر واطني، ومعلنة صفة بيته، وغير مسلمة بالنصب معطف على المفهول الثاني لهب وهو سواعي، وعلم بالبناء للثانية أي شاع، وعلم وضمير عليه لوطني، وضمير فيهم للحرمة والامة والله أعلم.

وإن يكن داعص بالدعوى ففي
تخصيصه بيان حمه يفي
فحيثما الداعوى على من قد شهـر
فإن تكون بعد التراخي زمانا
وحيثما رحمها منه بريـ
وذاك في المجهول حالا إن جهلـ
وإن تكون ممن لها صون ففيـ
وحيث قيل لا تحد إن تكونـ
وما على المشهور بالعفافـ

بالدين والصالح والفضل نظرـ
حدت لفظ وبحمل لازماـ
فالحد سُنوجبة في الأظهرـ
حال لها أو لم تحر صوتها نقلـ
وجوبه تحرجا الخلف ففيـ
فالمهر مع يمينها له حصلـ
مهر ولها حلف بها خلافـ

لما قدم حكم ما إذا ثبت العصب بيته ذكر هنا حكم ما إذا كان ذلك بمجرد دعوى المرأة وقسم المسألة إلى سنتين أو جهـ .

وذلك أن الرجل المدعى عليه؛ إنما يكون مشهوراً بالدين والخير وإنما أن يكون مجهول الحال، لا يعلم كونه ديناً أو لا، وإنما أن يكون مشهوراً بالفسق وفالة الدين فهو ثلاثة أحوال، وفي كل منها إنما أن تدعى ذلك حالة وقوعه و جاءت متعلقة به وإنما أن تدعى ذلك بعد مضي زمان وتكلمت في هذه الآيات التمانية على ما إذا دعى ذلك على المشهور بالدين أو على مجهول الحال، ولم تقم في الوجهين في الحال بل بعد مضي زمان فأخبر الله إذا دعى ذلك على من شهـر بالدين وتراحت الداعوى، فإنها تحد حد فقهها للرجل المشهور بالدين وللزمان إن ظهر بها حمل ويتعدد الحدان بالختاف موجبهما فإن لم يظهر بها حمل ففي وجوب حد الزمان عليها قوـن الأظهر وجوبه وإلى هذا كله أشار بقولـه: وإن يكن داعص إلى قولهـ وحيثما رحمها منه بريـ

البيـتـ ، أيـ منـ الحـملـ .

(وفي المختصر للشيخ خليل) وإن دعـت استـكرـاها على غير لائقـ بما تـعلـقـ حدـتـ لهـ ، وـهـذا كـلـهـ بالـسـيـةـ إلىـ المرأةـ ، وأـماـ الرـجـلـ فـلـاـ صـدـاقـ عـلـيـهـ ولـاـ يـمـيـنـ كـمـاـ صـرـحـ بـهـ فـيـ قـوـلـهـ فـيـ الـبـيـتـ التـامـنـ : وـمـاـ عـلـىـ المشـهـورـ

بالـعـفـافـ مـهـرـ ولـاـ حـلـفـ وأـحـرـىـ أنـ لـاـ حدـ عـلـيـهـ . نـمـ ذـكـرـ فـيـ قـوـلـهـ : وـذـاكـ فيـ المـجـهـولـ حالـاـ ، الآياتـ التـامـنـ حـكـمـ

ماـ إـذـ كـانـتـ الدـاعـوىـ عـلـىـ مـجـهـولـ الـحـالـ وـتـراـحتـ قـيـامـهاـ أـيـضاـ ، وـذـكـرـ اللهـ يـنـظـرـ فـيـ ذلكـ لـحالـ الـمـرـأـةـ فـيـ جـهـ

حالـهاـ أوـ عـلـمـ كـوـنـهاـ عـيـرـ مـوـصـوـفـةـ بـالـصـيـانـةـ ، فـالـحـكـمـ كـمـاـ تـقـدـمـ فـيـ المـشـهـورـ بالـدـينـ مـنـ آنـهاـ تـحدـ لـلـزـنـاـ وـالـفـدـقـ

وـإـنـ عـلـمـ كـوـنـهاـ مـوـصـوـفـةـ بـالـصـيـانـةـ فـيـ وـجـوبـ حدـ الـفـدـقـ عـلـيـهـ لـلـرـجـلـ المـجـهـولـ الـحـالـ قـوـنـ مـحـرجـانـ ، وـعـلـىـ

كـوـنـهاـ لـاـ تـحدـ يـحـلـفـ لـرـدـ دـعـواـهاـ فـانـ تـكـلـ عـنـ الـيـمـنـ حـلـفـ وـأـخـدـتـ مـنـهـ الصـدـاقـ وـإـلـيـ ذلكـ كـلـهـ أـشـارـ بـقـوـلـهـ :

وـذـاكـ فيـ المـجـهـولـ حالـاـ ، الآياتـ التـامـنـ . وـأـماـ قـوـلـهـ :

وـمـاـ عـلـىـ المشـهـورـ بالـعـفـافـ الـبـيـتـ ،

فـهـوـ مـنـ تـقـمـ الدـاعـوىـ عـلـىـ المشـهـورـ بالـدـينـ فـمـحـلـهـ بـعـدـ قـوـلـهـ :

وـحـيـثـماـ رـحـمـهاـ منهـ بـريـ ،

الـبـيـتـ وـكـانـهـ مـوـحـرـ مـنـ تـقـدـيمـ ، وـقـيـمـ مـنـ التـقـصـيـلـ فـيـ الـمـرـأـةـ حـيـثـ الدـاعـوىـ عـلـىـ مـجـهـولـ الـحـالـ اللهـ لـاـ يـقـصـلـ فـيـهاـ

إـذـ كـانـتـ عـلـىـ المشـهـورـ بالـدـينـ بـلـ الـحـكـمـ مـاـ تـقـدـمـ ، كـيـفـ كـانـ حـالـ الـمـرـأـةـ هـذـاـ مـاـ تـعـطـيـهـ الـفـاظـ الـنـاظـ ، وـالـلـهـ

سـبـحـانـهـ وـتـعـالـىـ أـعـلـمـ .

(قال الشارح) : وقد اعتمد الناظم في هذا الفصل كلام ابن رشد في مقدماته قال فيها منصتاً بما تقدم عنه في الآيات قبل هذه ماصحة : وأما إن أدعك عليه الله استرها فغاب عليها وطنها ولابنة لها على دعواها فإن ذلك ينقسم على وجهين ،

أحد هما : أن تدعك على رجل صالح لا يليق به ذلك ، والثاني : أن تدعك على رجل متهم يليق به ذلك ، وكل واحد من هذين الوجهين ينقسم إلى وجهين : أحد هما : أن تأتي مسنته متعلقة به متشبهة فاضحة نفسها تدعك إن كانت بكرة .

والثاني : أن تدعك على رجل غير شبه ، ولاتدمع ، وهي بكر فيأتي في جملة المسألة أربعة أقسام : فاما القسم الأول من القسم الأول وهو أن تدعك على رجل صالح لا يليق به ذلك ، وهي غير متعلقة به فهذا لا خلاف أنه لا شيء على الرجل وأنها تحد له حد القذف وحد الزنا إن ظهر بها حمل ، وأما إن لم يظهر بها حمل فيخرج وجوب حد الزنا على الاختلاف فيما أقر بوطء امة رجل وادعى أنه اشتراها منه ، أو بوطء امرأة وادعى أنه تروجهها فتحد على مذهب ابن القاسم إن ترجع عن قولها ، ولاتحد على مذهب أشهب وهو نص ابن حبيب في الواضحة .

وكذا المجهول الحال في هذا الوجه إذا كانت هي مجهولة الحال ، أو لم تكن من أهل الصون ، وأما إن كانت من أهل الصون وكان مجهول الحال فيخرج وجوب حد القذف عليهما له على قولين ، ويختلف بدعواها على القول يائلاها لا تحد ، فان نكل عن اليمين حلفت وكان لها صداقها عليه . اه وإنما قال ابن رشد الله ياتي في المسألة أربعة أقسام مع أنها سلة كما ذكرنا أولاً ; لانه لم يذكر الوجهين اللذين في المعروف بالفسق من قيامها في الحال أو بعد مدة ، وبباقي كلام ابن رشد كلام الناظم رحمة الله وجراهم عن المسلمين حيراً .

وحيث دعوى صاحبت تعفنا

والقذف فيه الحد لابن القاسم

ومن نفى الحد فعنه يجب

ومن نكوله لها اليمين

ووحدها له اتفاقاً إن تكن

وعدم الحد كذا للمتبهم

وإن تكن لها تقوى ذلكا

حد الزنا يسقط عنها مطلقا
وحلفة لدئه غير لازم
تحليةه بإن دعواها كذب
وتأخذ الصداق ما يكون
ليس لها صون ولابن حسن
حالا إذا كانت تقوى ما يصيم
فالحلف تخريجاً بدأ هالكا

تكلم في الآيات على ما إذا أدعك الاختصار على المشهور بالدين أو المجهول الحال ، وقامت في العين بحيث جاءت متعلقة به لقوله :
وحيث دعوى صاحبت تعفنا فهو مقابل قوله قبل :
فإن تكن بعد التراخي زماناً

فأخيراً هنا أنها إذا جاءت متعلقة بصالح الحال فإن حد الزنا يسقط عنها ظهر بها حمل أو لا ، وهو مراده بالطلاق .

واما حد القذف فيه قوله : مذهب ابن القاسم أنها تحد لقذفها للرجل ولابن يمين على الرجل . وقال غير ابن القاسم لا حد عليها ويحلف الرجل على تكذيبها ، فان نكل عن اليمين حلفت ووجب لها الصداق وحمل هذين القولين إن كانت المرأة معروفة بالصيانت وحسن الحال ، وأما إن لم تكن كذلك فتحد المرأة للقذف اتفاقاً ، هذاؤك في الدعوى على صالح الحال مع الشبه به ، وإليه أشار بقوله :
وحيث دعوى صاحبت تعفنا

الآيات الخمسة، ثم أشار لحكم ما إذا جاءت متعلقة بالمتهم الأمر المجهول الحال فأخبر أنه ينظر للمرأة إن كانت معروفة بالصيانت والغافف فلما تحد لغاففه اتفاقا، وإلى اتفاق أشار بقوله: كذا وإن لم تكن كذلك ففي حدتها للغافف قولان مخرجان، وإلى ذلك أشار بقوله: وعدم الحد كذا للمتهم البدين.

وقد تلخصَ ممَّا تقدَّمَ أَنَّهَا إِذَا جاءَتْ مُتَعَلِّقَةً بِالصَّالِحِ أَوْ بِالْمَجْهُولِ لَا تُحَدُّ لِلرَّزْنَى ، وَالْكَلَامُ إِنَّمَا هُوَ فِي حَدَّ الْقَدْفِ ، وَعَلَى سُقُوطِ حَدَّ الْقَدْفِ عَنْهَا ، فَعَلَيْهِ الْيَمِينُ أَنَّهُ مَا وَطَى وَلَا يَلْزَمُهُ صَدَاقٌ فَإِنْ نَكَلَ عَنْهَا اتَّقْبَلَتْ عَلَى الزَّوْجَةِ فَتَحَفَّ وَيَلْزَمُهُ صَدَاقَهَا . وَعَلَى هَذَا نَبَهُ بِيَقُولِهِ :

تَحْلِيقَهُ وَمَعْ نُكُولِ يَنْقَلِبُ

فَمَحَلٌ هَذَا الْبَيْتٌ بَعْدَ قَوْلِهِ :

وَإِنْ تَكُنْ لَا تَتَوَقَّى ذَلِكَ

فَالْحُكْمُ لِلَّهِ أَعْلَمُ

قال في المقدمات إنّ ما تقدّم في شرح البابيات قبل هذه ما نصّه : وأما الوجه الثاني من القسم الأول وهو أن تدعى ذلك على رجل صالح لا يلقي به ذلك ، وناتي متعلقة به متشبّهة ، قد بالغت في فضحة نفسها فهذا الوجه يسقط عنها حد الزنا وإن ظهر بها حمل لما بالغت في فضيحة نفسها ، وأختلف : هل تحدّ له حد القذف أم لا ؟

فذهب ابن القاسم إلى أنها ثحد حد القتف، وحكي ابن حبيب في الواضحة أنها لا ثحد له حد القتف ولما يمتن لها عليه على القول يانها ثحد له، وأما على القول يانها لا ثحد له، فيحلف على تذمّب دعواها فان نكل عن اليمين حلفت واستحققت عليه صداقها، وهذا إذا كانت ممن ثبالي بفضيحة نفسها، وأما إن كانت ممن لا ثبالي بفضيحة نفسها، فتحدد له قولًا واحدًا، وإن كان مجهول الحال لم تحد له قولًا واحدًا إذا كانت ممن ثبالي بفضيحة نفسها، وأما إن كانت ممن لا ثبالي بفضيحة نفسها فيتخرج إيجاب حد القتف عليها له على قولين. اهـ

وَفِي ادْعَائِهَا عَلَى الْمُشْتَهِرِ

بِالْفِسْقِ حَالَتَانِ لِلْمُعْتَبِرِ

حال تشبیث و یکر تدمی

فِي الْقَدْفِ وَالْزَّنَّا وَإِنْ حَمَلْتُ ظَهَرًا

وَحَيْثُ قِيلَ إِنَّهَا تَسْتَوِ حَيْثُ

وَإِنْ يَكُنْ مَجْهُولَ حَالَ فَيَحْبِبُ

وَحَالَةُ بَعْدِ زَمَانِ الْفَعْلِ

وَلَا صَدَاقَ لِمَنْ لَمْ يَنْكُشِفْ

وَإِنْ لَأَرَأَيْتَ مِنْ الْمُهَاجِرَاتِ

ذكر في هذه النبذات ما إذا دعت الاعتصاب على المشهور بالغسل بحالته أي مع كونها متشبهة به أو بعد مضي زمان فأخبر أنها إن جاءت متشبهة به، أو جاءت تدمي، إن كانت بكرًا فإنها يسقط عنها حد الزنا والقدح معًا ظهر بها حمل أو لا.

وَعَلَى ذَلِكَ نَبَهَ بِقُولِهِ : عَمَّا أَيْ فِي الْقَدْفِ وَالْزَّنَّا ثُمَّ عَيْنَاهُ بِظَهُورِ الْحَمْلِ فَقَالَ : وَإِنْ حَمْلٌ ظَهَرَ . أَيْ فَهَا حَدَّ عَلَيْهَا ، وَبَعْدَ سُقُوطِ الْحَدِّيْنِ عَنْهَا ، هَلْ لَهَا صَدَاقٌ أَمْ لَا ؟ أَخْتَفَ فِي ذَلِكَ ، وَعَلَى كُونَهَا سُسْتُوْجُ الصَّدَاقَ ، فَإِنَّمَا ذَلِكَ بَعْدَ يَعْيَنَهَا عَلَى الْأَصْحَاحِ ، وَعَلَى هَذِهِ الْحَالَةِ نَبَهَ بِقُولِهِ : وَفِي ادِّعَانَهَا عَلَى الْمُشْتَهِرِ بِالْفَسْقِ الْأَلْيَاتِ الْأَرْبَعَةِ ثُمَّ ذَكَرَ حُكْمَ الْحَالَةِ الْثَّانِيَةِ ، وَهِيَ قِيَامُهَا بَعْدَ زَمَانِ الْفَعْلِ ، فَقَالَ :

وَحَالَةَ بَعْدَ زَمَانِ الْفِعْلِ

الآيات الثانية، وأخبر أن الحد ساقط عنها لما لفظها للرجل ولما لزناها ما لم يظهر حمل فتحد ولما صداق لها على الرجل في الحال وإنما ينظر الإمام في أمره فيسجنه ويتجسس عن أمره، فإن ظهر له صحة دعوى المرأة لزمه الصداق أو بطلان دعواها بري. وإن لم يظهر من أمره شيء حلف أنه ما وطى وبريء، وإن نكل عن اليمين حلفت ووجب لها عليه صداق مثتها. وأما قوله: وإن يكن مجهول حال فيجب (البيت) فقد تقدم أن محله قبل أول هذه الآيات متصلا به؛ لأن الكلام في المشتهر بالفسق، والمشتهر بالفسق ليس مجهول الحال، والله أعلم.

(قال في المقدمات): وأما الوجه الأول من القسم الثاني وهو أن تدعى ذلك على من يشار إليه بالفسق ولما تأتي متعلقة به فهذا الوجه لا يجب عليها فيه حد القذف للرجل ولما حد الزنا لنفسها، إلا أن يظهر بها حمل ولما صداق لها وينظر الإمام في أمره فيسجنه ويتجسس عن أمره، ويقعن فيه ما يكشف له من أمره، فإن لم يكن من أمره شيء استحلف فإن نكل عن اليمين حلفت واستحقت عليه صداق مثتها.

وأما الوجه الثاني من القسم الثاني وهو أن تدعى ذلك على من يشار إليه بالفسق وتأتي متعلقة به متشبة تدعى إن كانت يكرا فهذا الوجه يسقط عنها حد القذف للرجل وحد الزنا، وإن ظهر بها حمل. وأختلف في وجوب الصداق لها على ثلاثة أقوال: أحدها: الله يجب وهي رواية أشهب عن مالك في كتاب العصب؛ لائمه إذا وجوب للامة ما نقصها فآخر أن يوجب للحرمة صداق مثتها. والثاني الله لا يجب لها شيء وهي رواية عيسى عن ابن القاسم في كتاب الحدود في القذف، قال: ولو كان أشر من عبد الله المازرق في زمانه. والثالث قول ابن الماجشون في الواضحية الله يجب لها الصداق إن كانت حرة ولها شيء لها إن كانت امة.

وأختلف إذا وجوب لها الصداق يدعواها مع ما بلعت إليه من فضيحة نفسها: هل يجب بيمين أو بغير يمين؟ فروى أشهب عن مالك أنها تأخذ بغير يمين، وذهب ابن القاسم إلى أنها لا تأخذ إلا بعدها بيمين. وهو أوضح والله أعلم. وإن كان مجهول الحال لم يكن لها صداق واستحلف هو، فإن نكل عن اليمين حلفت وأخذت صداقها إن شاء الله. هـ وقوله: وإن كان مجهول الحال إلخ هو الذي تبع المؤلف في ذكره ذلك في هذا القسم والله أعلم لم فعل ذلك

Husband's inability to sexually satisfy his wife

1. Her husband is not satisfying her sexual desire

Question:

I know that I am supposed to go to him when he calls me to his room, even if I'm not in the appropriate mood. I also know that lying is a despicable thing, but pleasing my husband is utmost on my mind. So is it wrong of me to fake having a sexual climax with my husband? This is a terrible problem for me, because I don't want to lie, but it embarrasses my husband if he cannot fulfil my pleasure. This pretending is hard to stop, and also extremely embarrassing for me to admit to my husband. Please help me, and also remember me in your du'ahs.

Answer:

Praise be to Allaah.

We ask Allaah to reward you with good for your patience and for fulfilling your husband's desires in obedience to the command of your Lord.

The solution to the problem you mention is through frankly speak to your husband about the matter. This will not mean embarrassing your husband⁷ or accusing him of being inconsiderate.

This problem often stems from the fact that the husband is not aware that there is a problem at all,⁸ not from the fact that he is inconsiderate. The husband may go ahead and have intercourse and not pay attention to some things that he should be doing, one of which is fulfilling his wife's needs. Perhaps you could benefit by reading some books on the topic which explain the basis of the relationship and intimacy between a man and a woman such as *Tuhfat al-'Aroos* by Mahmood Mahdi Istanbuli.⁹

The point is that there is nothing wrong with speaking to your husband about this matter, and suggesting that he read about it. Speaking frankly is preferable to suffering in this manner, and the problem can be solved easily.

This does not excuse the woman from sharing some of the responsibility. She also has things that she must do, such as adorning herself for her husband, being loving towards him and encouraging him to be intimate with her.¹⁰

We ask Allaah to set the Muslims' affairs straight.

And Allaah knows best.

Islam Q&A

2. Wife sexually dissatisfied with husband

The question is regarding a wife's dissatisfaction with her husband, sexually. She has tried to speak to him, to no avail. In all other respects he is a kind human being, but her frustration is growing. What can she do about this problem, she doesn't want to leave him, but she is scared of falling into fitnah.

Answer:



⁷ Ahmed Fazel: Speaking to him on the matter would not imply that you intend to embarrass him but it is a fact that a male would generally be embarrassed by his inability or sexual weakness. Thus, the wife needs to comfort him in this regard so that he no more feels embarrassed, and begins to work on resolving the matter.

⁸ Ahmed Fazel: Depending on the social environment of your upbringing, the male maybe ignorant of some matters or the fact that pre-mature ejaculation is a sexual problem that requires to be addressed. Most men in non-Muslim states would not be ignorant of this matter. Some feign ignorance in order to avoid acceptance of their sexual inability or their sexual problem.

⁹ Ahmed Fazel: I do not know if an English translation is available. However, old texts written through limited experience of the sexual world should not be the only basis of advise. Make use of contemporary medical and other expertise in this regard as well.

¹⁰ Ahmed Fazel: Even if the wife is negatively reacting in some or all of these areas it does not mean that a male's inability is due to her sexual conduct and behaviour. It is true that her conduct can seriously impair the male's willingness to cohabit or destroy his sexual drive at a given moment or period.

In the Name of Allah, Most Merciful and Compassionate. May His abundant blessing and most perfect of peace be on His Beloved Prophet, the best of creation, and his family, companions and followers.

It is the wife's religious right that the husband take the reasonable means to fulfil her sexual desires. [Ibn Abidin, Radd al-Muhtar, Kitab al-Nikah]

She should sit and discuss this with her husband in suitable ways, and explain the situation, making clear that this is her right and his responsibility. When not possible through actual intercourse, the husband could do this through other means, such as bringing her to satisfaction using his hands.

Honest discussion on the basis of love and affection could reveal issues each party has that can be resolved in reasonable mutually-acceptable ways. Argument rarely works.

And Allah alone gives success.

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher Faraz Rabbani

Notes by Ahmed Fazel Ebrahim

The general issues in this regard either relate to the male's inability to sustain an erection for a period, long enough to allow his spouse to achieve orgasm.

Often, the males health or physical energy is also not good enough to allow him to satisfactorily satisfy his wife's full or repeated desire for sexual gratification within a short period.

The truth of the matter is that just as males seek to ejaculate and achieve sexual satisfaction, females likewise seek the pleasure of actual sex and desire the ecstasy of feeling a male organ within their vagina. This right should not be ignored or rejected. Neither must this real need be relegated to the domain of masturbation since the psychological perceptions and sensation of the two are absolutely diverse especially in the case when the act is done with high levels of love and emotional relations.

When a woman is saying she is scared to fall into fitnah, she is expressing that she has a need for a man to grant her sexual satisfaction and enjoyment. The issue of sexual enjoyment is diverse from sexual satisfaction or her ability to be gratified by her husband's sexual performance. This is highlighted by the fact that Muslim females, like their non-Muslim counter parts in the contemporary world, also read sexual literature, watch porn and other movies with sexual scenes and would perhaps freely discuss sexual matters with friends (even if this be classified as impermissible in particular cases). By the term fitnah she also expresses that her husband's inability, and her resultant sexual frustration is driving her towards regularly towards contemplating on having sex with another person in order to taste the joy of sex to a realistic level or to a level at which she fanticizes. This is real serious because it leads to disrespect towards the husband, and he is regarded as impotent or a sex failure. The implications may not only be a divorce but may lead the female to seek sexual comfort from numerous persons until she finds an individual who she deems to grant her such satisfaction.

3. Wife seeking a divorce due to sexual weakness of husband

Fatwa No. : 89145

Fatwa Title : Wife wants divorce claiming he is sexually weak

Fatwa Date : 22 Thul-Qi'dah 1425 / 03-01-2005

Question

I got married last month to a woman who is 46 years-old. She is my next wife, and I have divorced the first one. A week after getting married, she asked for divorce. She mentions that I am weak in sex. I said, I didn't know that I'm that weak but if I am I will visit doctor or so or take some kind of pills. She refused and demanded her alimony and so on, and began threatening not to let me leave the country till she gets her divorce. She is now in the Persian Gulf.

Honestly, I didn't cheat her and I love her. She loves me I'm sure. What should I do? I'm here in the States now and I signed a paper at one of lawyers for divorce and to pay her the alimony. What if I don't want to divorce, should she give me time to visit a doctor or so?

Fatwa

All perfect praise be to Allaah, The Lord of the Worlds. I testify that there is none worthy of worship except Allaah, and that Muhammad ﷺ is His slave and Messenger.

If the harm that is mentioned is the inability of sexual intercourse (being sexually impotent) and there is no erection, then she can ask for divorce. But you have the right to keep her for one year as ruled by 'Umar ﷺ. She has no right to ask for divorce unless she did not know the harm before the marriage contract, or that she knew that after the marriage contract but did not express herself in a way that shows that she agrees with the situation. However, if the harm is not because of being sexually impotent then she has no right to ask for divorce. We advise her to be patient, beautify herself and be kind to you, and we advise you to seek treatment if you have any weakness in having sexual intercourse with her. If your wife insists on asking for divorce and marital life between yourselves has worsened, then it is more appropriate to divorce her, and it is permissible for you not to divorce her until she pays a compensational amount of money to you.

Finally, we draw your attention to the following matters:

Firstly, if you have uttered or written the wording of divorce to her, then she is divorced regardless whether or not the lawyer has completed the procedures of divorce.

Secondly, marriage and divorce are very complicated issues, and there are often arguments and disagreements about them, so it is more appropriate to refer to an Islamic court of justice.

Thirdly, it is not permissible for a Muslim to reside in a non-Muslim country if he is not able to perform his religious rites. If you are from a Muslim country, you are obliged to return to it unless there is a necessity or a dire need for staying in the non-Muslim country.

Fourthly, which is the most important of these matters, is that one should be careful about the seriousness of men chatting with women through the internet as this includes many prohibitions. It is most likely that the people who meet through the internet and then marry, their marriage will fail as it is not established on religious principles.

Allaah knows best.

Fatwa answered The Fatwa Centre at Islamweb by:

4. Premature Ejaculation and marriage

Fatwa No. : 85342

Fatwa Title : Premature Ejaculation and marriage

Fatwa Date : 17 Shawwaal 1423 / 22-12-2002

Question

Does premature ejaculation prevent me from getting married?

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

Premature ejaculation does not constitute a hindrance from marriage. But it could have some effect on the wife's enjoyment and gusto of sex. In this case, the man might ejaculate before the woman has reached her orgasm.

The Prophet (Sallallahu Alaihi wa Sallam) said: "If one of you has sex with his wife and gets his orgasm before her, he should not hasten her." [Abd al Razzaaq].

Any man who suffers from premature ejaculation could see a doctor and get any appropriate lawful treatment for this. One may also people himself with anything while having sex as this might help him stay longer to make his wife get satisfaction.

Allah knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

5. Sex with husband not satisfying

Fatwa No. : 85977

Fatwa Title : Sex with husband not satisfying

Fatwa Date : 24 Rabee' Al-Aakhir 1424 / 25-06-2003

Question

I have been married for two years now. I am 17 years old and my husband is 26. The amount of sex he gives me is not enough. I always have the desire. Just a while ago, I used to masturbate allot. I had an orgasm 2-3 a day while he was at work. I always felt guilty and repented. Now I have stopped, Al-Hamdu Lillah! But he still does not give me enough sex. I am tempted to masturbate again. I tried fasting but that makes me have more desires. When we do have sex, it is either too slow so that he doesn't ejaculate too fast or we have it fast and he ejaculates fast. It is very difficult for me because I got married at such a young age to keep chaste. Please help. I don't know who else to ask. I am embarrassed.

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions. One of the most important rights of the wife is to satisfy her sexual desire. This right is more emphasized than her right for expenditure. The obligatory sexual intercourse should be sufficient to meet the wife's sexual desire

without harming himself. This differs from one man to the other and from one woman to the other. The husband should know that when he has intercourse with his wife with the intention of preserving her chastity Allah rewards him for that. We would like to urge this young wife to stop practicing masturbation as it is a form of the transgressions mentioned in the following verse: {But whoever seeks beyond that, then those are the transgressors;}[23: 7]. Moreover, she should disclose to her husband what she feels. But more importantly, we advise her to spend her free time in that which would profit her in this life and the Hereafter. In fact, if one does not occupy himself in that which is good, his time is stolen by bad thought, and sinful acts. Now, if the wife is alone at home and her husband is at work, she should use that free time in learning the Qur'an and the good useful books as well as performing good and lawful leisure activities. Allah knows best.

Fatwa answered by: The Fatwa Center at Islamweb

Ramadhan and fasting issues

1. He had intercourse with his wife without ejaculating during the day in Ramadaan, because he was unaware that this is haraam, and he did not have a bath afterwards

Question:

I got married nine years ago. During the first year of marriage I used to engage in foreplay with my wife during the day in Ramadaan and I used to have intercourse without ejaculating. I was unaware that that is haraam, because I thought that if I did not ejaculate, it did not break the fast.

After the first year, I did not do that again. That was so that I could avoid doubtful things. Since I got married until now, I have repeated what I did during the first year of engaging in foreplay with my wife, but that was during the night in Ramadaan and during the night and day at other times of the year, when I had intercourse without ejaculating, and I did not do ghusl because I thought that if I did not ejaculate, I did not need to do ghusl.

I hope that you will answer, noting that what happened was the result of ignorance on my part, and that you will tell me what my wife and I should do.

Answer:

Praise be to Allaah.

This question includes two issues:

1 – Intercourse on the part of one who is fasting

2 – Rulings on one who has intercourse but does not do ghusl

Firstly:

If a person who is fasting has intercourse with his wife during the day in Ramadaan, one of the following two scenarios must apply:

The first scenario: he thinks that having intercourse without ejaculating is not haraam during the day in Ramadaan, so he has intercourse and he is ignorant or unaware of the ruling.

The second scenario: he knows that having intercourse (during the day in Ramadaan) is haraam but he does not know what the punishment is.

With regard to the first scenario, Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said:

The most correct view is the view of those who say that whoever does one of the things that break the fast or one of the things that are forbidden during ihraam or one of the things that invalidate the prayer and is unaware of it, then there is no sin on him, because Allaah says (interpretation of the meaning):

"Our Lord! Punish us not if we forget or fall into error" [al-Baqarah 2:286]

and Allaah has said: "I have done that."

So if this man who had intercourse with his wife during the day in Ramadaan was unaware of the ruling, and he thought that the kind of intercourse that is haraam is the kind in which ejaculation occurs, then he does not have to do anything.

But in the second scenario, if he knew that intercourse (during the day in Ramadaan) is haraam, but he did not know that there is expiation (kafaarah) for that, then he has to offer the expiation, because there is a difference between ignorance of the ruling and ignorance of the punishment. Ignorance of the punishment is no excuse, but ignorance of the ruling is an excuse.

Hence the scholars said: If a person drinks an intoxicant thinking that it will not cause intoxication, or thinking that it is not haraam, then there is no sin on him. But if he knows that it will cause intoxication and that it is haraam, but he does not know that he is to be punished for that, then he should be punished and he is not excused from that. Based on this, we say to the questioner that so long as you did not know that intercourse without ejaculation was haraam, there is no sin on you or on your wife, if she was also ignorant of the ruling as you were.

Secondly:

The effect of this action on fasting and prayer.

With regard to fasting, janaabah (being in a state of impurity following sexual activity) does not have any effect on it, because the fasting of a person who is in a state of janaabah is valid. But not doing ghusl in order to pray poses a problem, because prayer is not valid without doing ghusl because the person remains in a state of janaabah. Most of the scholars are of the view that this person must make up all the prayers for which he did not do ghusl, but it is known that this man will have had intercourse and ejaculated, and then done ghusl.

But he may not know how often he did that. So we say to him that he should try to work it out and do his best to make up the prayers, to be on the safe side. But if you did not know anything about this and it did not cross your mind that simply having intercourse without ejaculating would mean that ghusl was essential, then we hope that you do not have to do anything, i.e., that you do not have to make up the prayers. But you do have to repent and seek forgiveness for your negligence in not asking about the matter.

Shaykh Ibn 'Uthaymeen, al-Liqa' al-Shahri

See also the answer to question no. [9446](#)

Islam Q&A

Note by Ahmed Fazel: I need to study the views of other Ulama on the above fatwa.

2. Masturbating when fasting

Question:

I happened to had masturbated while I was fasting during ramadhan. Then I read in one of Islamic question/answer column in a newspaper that the act of masturbation invalidate the fasting but no "kaffarah" is required i.e. freeing a slave or fasting for 60 days. Is this true? The other question is that at that time I did not know that kaffarah is not required so I ate (I though my fasting is invalid so I ate). does this will make me do the kaffarah or not.

Answer:

Praise be to Allaah.

No doubt masturbation is haraam according to most of the scholars, as Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him) said. If this happened in Ramadaan, this is worse, and if there was ejaculation of sperm because of the masturbation, the violation of the sanctity of the fast is even more severe in sin. From the time the maniy (semen) is ejaculated, the fast is broken, but the person should still fast for the rest of that day. It is not permissible for him to stop fasting, because of the sanctity of the month. You have to repent for breaking your fast by deliberately ejaculating, and you also have to repent for not keeping the fast for the rest of the day and for violating the sanctity of the fast by doing something else that broke the fast, namely eating food. You also have to fast one day to make up for breaking your fast. Increase the number of good deeds (hasanaat) you do and observe naafil (supererogatory) fasts, for good deeds (hasanaat) cancel out bad deeds (say'aat). And Allaah is Forgiving and Merciful.

Sheikh Muhammed Salih Al-Munajjid

3. Ruling on the fast of one who thinks about **sex** then ejaculates

Question:

If a man was sitting and thinking (about **sex**), then he went to sleep and ejaculated, whilst he was fasting during the day in Ramadaan, does that invalidate his fast, and does he have to make it up?

Answer:

Praise be to Allaah.

Whoever thinks about **sex** and ejaculates, or has a wet dream and ejaculates, that does not invalidate his fast, but he has to do ghusl from janaabah, because when Umm Sulaym asked him, "Does a woman have to do ghusl if she has a wet dream?" the Prophet (peace and blessings of Allaah be upon him) said, "Yes, if she sees water."

The same ruling applies to men, because the Prophet (peace and blessings of Allaah be upon him) said: "Water is for water."

With regard to his fast, it is valid, because a wet dream is not something that happens by choice. Similarly, thinking is something which is forgiven by Allaah, because the Prophet

(peace and blessings of Allaah be upon him) said: “Allaah has forgiven my ummah for wrong thoughts that cross their minds, so long as they do not speak of them or act upon them.”

This is all kindness from Allaah.

Fataawa al-Shaykh Ibn Baaz, vol. 1, p. 243.

Nocturnal emissions/ Wet dreams

1. The difference between erotic dreams and looking at women

Question:

Erotic dreams increase desire, so what is the difference between erotic dreams and looking at non-mahram women via the TV?

Answer:

Praise be to Allaah.

Comparing these two things is intrinsically false, and whatever is built on a false basis is also false, and this is due to a number of things:

Firstly:

The word ihtilaam (translated here as erotic dream) refers to what a person sees in his sleep, which includes a man seeing images of intercourse and imagining the sexual act in his sleep. This is something natural which all men and women see. There is nothing wrong with it and there is no sin on a person because of that.

It was narrated in the hadeeth of Umm Sulaym that she asked the Prophet of Allaah (peace and blessings of Allaah be upon him) about a woman who sees in her dream what a man sees. The Messenger of Allaah (peace and blessings of Allaah be upon him) said: “If a woman sees that she should do ghusl.” (Narrated by Muslim, *al-Hayd*, 469)

Secondly:

Erotic dreams are beyond a person’s control and he has no power to prevent them. Rather is a means of the body ridding itself of excess material that may harm it if it remains in the body. Hence sometimes a person may see something in his sleep, and sometimes he may not see anything but still experience nocturnal emissions. Hence it is not haraam. Allaah says (interpretation of the meaning): “*Allaah burdens not a person beyond his scope. He gets reward for that (good) which he has earned*” [al-Baqarah 2:286]

With regard to masturbation, it is haraam because it happens by a person’s intention and will. See the answer to question 329.

The same applies to looking at women, because this happens by a person’s choice and intention, and he does it deliberately. Hence it is not allowed.

Because a person is unable to prevent a sudden glance, he will not be brought to account for that, rather the sin is in following it with another glance. It says in the hadeeth: “O ‘Ali, do not follow one glance with another, for you are allowed the first but not the second.” (Narrated by al-Tirmidhi, *al-Adab*, 2701; classed as hasan by al-Albaani in *Saheeh al-Tirmidhi*, no. 2229). What is meant by “you are allowed the first” is if that does not happen intentionally, and “but not the second” means because it is done by your own choice, so it is a sin on you.

Thirdly:

Allaah has commanded the believers to lower their gaze. Allaah says (interpretation of the meaning):

“Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts)” [al-Noor 24:30]

The Messenger of Allaah (peace and blessings of Allaah be upon him) also commanded likewise. It was narrated that Jareer said: “I asked the Messenger of Allaah (peace and blessings of Allaah be upon him) about a sudden look. He said, ‘Avert your gaze.’” (Narrated by Abu Dawood, al-Nikaah, 1836; classed as saheeh by al-Albaani in *Saheeh Abi Dawood*, no. 1880. Hence it is obligatory to obey the command of Allaah and His Messenger. Allaah says (interpretation of the meaning):

“And let those who oppose the Messenger’s (Muhammad’s) commandment (i.e. his Sunnah legal ways, orders, acts of worship, statements) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them” [al-Noor 24:63]

What people should know and believe is that Allaah does not burden people with things that are too difficult for them or impose hardship upon them. He does not enjoin any impossible commands. This includes lowering the gaze, for it is within a person’s reach to obey this command.

But because the way to Paradise is lined with difficult things and the way to Hell is lined with whims and desires, Allaah has made this a test and a trial for His slaves. So whoever obeys the command of Allaah and keeps away from that which Allaah has forbidden, the consequences will be good for him and he will have a good Hereafter. And the converse also applies (i.e., one who goes against Allaah’s commands will have bad consequences).

Fourthly:

Allaah has commanded us to lower our gaze and has forbidden us to look at women because of the great evil and mischief that result from that. For looking is the harbinger of zina (unlawful sexual relationships) – Allaah forbid. Hence it says in the hadeeth that Allaah has decreed for the son of Adam his share of zina, which will inevitably catch up with him, and the zina of the eyes is looking, the zina of the tongue is speaking; the heart wishes and hopes and the private parts confirm that or deny it.” (Narrated by al-Bukhaari, *al-Qadar*, 6122). So if a person lowers his gaze and refrains from looking at that which Allaah has forbidden, how could he be motivated to commit immoral actions? What the Muslim must do is to keep away from everything that may lead to immorality, whether that is looking at women, or thinking thoughts that provoke and increase desire. Whoever does those things will only make more worry and distress for himself, to no avail.

As the poet said:

“If you let your gaze wander, this will cause you a lot of heartache.

You will see things that you will desire but you are unable to acquire them, yet you are unable to bear that with patience.”

“How many looks have been fatal to the heart of the one who looked,
as fatal as an arrow, but with no bow and no string.”

And it was said that being patient in lowering one's gaze is easier than trying to put up with the pain that comes afterwards.

We ask Allaah to guide us all. And Allaah knows best. May Allaah bless our Prophet Muhammad.

Islam Q&A

Note by Ahmed Fazel: I fully agree with the above

Sex with your wife after menses ends but before she makes a ghusl

1. How to repent from having intercourse with one's wife after her period has ended and before she has done ghusl

Question:

I went through all the Questions and Answers relating to Masturbation and Having Intercourse after the Periods but without her Ghusl. I just wanted the clarification for the above in the sense, Is there any Repentance like Dua or anything to overcome the Sin he or she has committed?

Answer:

Praise be to Allaah.

Having intercourse with a menstruating woman in her vagina is haraam, because Allaah says (interpretation of the meaning):

“They ask you concerning menstruation. Say: that is an Adha (a harmful thing for a husband to have a sexual intercourse with his wife while she is having her menses), therefore, keep away from women during menses” [al-Baqarah 2:222]

Whoever does that has to seek the forgiveness of Allaah and repent to Him, and he has to give a dinar or half a dinar in charity as expiation for what he has done. Ahmad and the authors of *al-Sunan* narrated with a jayyid isnaa'd from Ibn 'Abbaas (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: “Whoever has intercourse with his wife when she is menstruating should give a dinar or half a dinar in charity.” Whichever you give is sufficient.

It is not permissible to have intercourse with one's wife after she has become pure, i.e., after the bleeding has stopped, and before she has done ghusl, because Allaah says (interpretation of the meaning):

“and go not unto them till they are purified (from menses and have taken a bath)”

[al-Baqarah 2:222]

Allaah has not given permission for a man to have intercourse with a menstruating woman until her bleeding stops and she purifies herself, i.e., does ghusl. Whoever has intercourse with his wife before she has done ghusl has committed a sin and has to offer expiation (kafaarah).

See *Fataawa al-'Ulama' fi 'Ushrat al-Nisa'*, p. 51

Fatwa al-Lajnah al-Daa'imah

With regard to the way to rid oneself of sins that a man and woman have committed, please see Question No. 14289, 329.

You have to repent to Allaah for going against the prohibition mentioned in this aayah and for not paying heed to the words (interpretation of the meaning):

"And when they have purified themselves, then go in unto them as Allaah has ordained for you" [al-Baqarah 2:222]

That is done by regretting what has happened and resolving not to do it again, and by doing a lot of good deeds, for good deeds wipe out bad deeds. And Allaah is Oft-Forgiving, Most Merciful.

Islam Q&A

Sheikh Muhammed Salih Al-Munajjid

Note by Ahmed Fazel: I need to study the views of other Ulama on the above fatwa.

Resisting sexual desires and temptations

1. How do we resist sexual desires

Question:

I am a young married girl of twenty-one, my desires rule over me and leave me restless, confused, frustrated and resentful, tell me how to get rid of evil desires in Islam ?

Answer:

Praise be to Allaah.

Sexual desire is something that has been created in man and it cannot be got rid of. Getting rid of it is not something that is required of the Muslim; rather what is required of him is to refrain from using it in haraam ways, and to use it in the ways that Allaah has permitted.

The problem of desire in a young woman may be solved by taking two steps.

The first step is to reduce and weaken the things that may provoke desire in a person. This may be achieved in a number of ways, including the following:

1 – Lowering the gaze and refraining from looking at that which Allaah has forbidden. Allaah says (interpretation of the meaning):

"And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts)" [al-Noor 24:31]

The Prophet (peace and blessings of Allaah be upon him) said: "Do not follow one glance with another, for the first is allowed but not the second." There are many sources of haraam looking, such as looking directly at young men and thinking about their attractive looks, or looking at pictures in magazines and movies.

2 – Avoiding reading stories and novels which focus on the sexual aspect, and avoiding reading internet websites which deal with such topics.

3 – Keeping away from bad company.

4 – Avoiding thinking about desire as much as possible. Thinking in and of itself is not haraam, but if one thinks about it for too long, that may lead a person to haraam actions.

5 – Spending one's time in useful pursuits, because spare time may lead one to fall into haraam things.

6 – Avoiding as much as possible going to public places where young men and women mix.

7 – If a girl is tested with studying in a mixed environment, and cannot find any alternative, she has to remain modest, serious and dignified, and should avoid sitting with young men and speaking to them as much as possible. She should restrict her relationships to friendships with righteous female classmates.

The second step is:

To strengthen the factors that will prevent one acting in accordance with one's desires. This is achieved in a number of ways, including the following:

1 – Strengthening the faith in one's heart and strengthening one's relationship with Allaah. This may be achieved by remembering Allaah a great deal, reading Qur'aan, thinking of the names and attributes of Allaah, and doing a lot of naafil prayers. Belief strengthens the heart and soul, and it helps one to resist temptation.

2 – Fasting, as taught by the Prophet (peace and blessings of Allaah be upon him) when he said: "O young men, whoever among you can afford to, let him get married, for it is more effective in lowering the gaze and in guarding one's chastity. Whoever cannot afford it, then let him fast, for it will be a shield for him." This is addressed to young men, but it also includes young women.

3 – Strengthening one's resolve and willpower, for this will make a young woman able to resist and control her desires.

4 – Remembering what Allaah has prepared for righteous young women. Allaah says (interpretation of the meaning):

"Verily, the Muslims (those who submit to Allaah in Islam) men and women, the believers men and women (who believe in Islamic Monotheism), the men and the women who are obedient (to Allaah), the men and women who are truthful (in their speech and deeds), the men and the women who are patient (in performing all the duties which Allaah has ordered and in abstaining from all that Allaah has forbidden), the men and the women who are humble (before their Lord Allaah), the men and the women who give Sadaqaat (i.e. Zakaah and alms), the men and the women who observe Sawm (fast) (the obligatory fasting during the month of Ramadaan, and the optional Nawafil fasting), the men and the women who guard their chastity (from illegal sexual acts) and the men and the women who remember Allaah much with their hearts and tongues. Allaah has prepared for them forgiveness and a great reward (i.e. Paradise)" [al-Ahzaab 33:35]

5 – Thinking about the lives of righteous women who guarded their chastity, such as Maryam, whom Allaah praises in the Qur'aan (interpretation of the meaning):

"And Maryam (Mary), the daughter of 'Imraan who guarded her chastity. And We breathed into (the sleeve of her shirt or her garment) through Our Rooh [i.e. Jibreel (Gabriel)], and she testified to the truth of the Words of her Lord [i.e. believed in the Words of Allaah: "Be!" and he was; that is 'Eesa (Jesus), son of Maryam (Mary) as a Messenger of Allaah], and (also believed in) His Scriptures, and she was of the Qaanitoon (i.e. obedient to Allaah)" [al-Tahreem 66:12]

And thinking about the immoral, fallen women, and comparing between the two types, for there is a huge difference between them.

6 – Choosing righteous companions and spending time with them, so that they can help one another to obey and worship Allaah.

7 – Comparing the effects of immediate fulfillment of desire when a girl responds to haraam, which is followed by loss of pleasure and all that is left is regret and sorrow, with patience and striving against one's whims and desires, and realizing that the pleasure of conquering one's whim and desires is far greater than the pleasures of enjoying haraam things.

8 – Seeking help by calling upon Allaah and asking Him for help. The Qur'aan tells us the lesson to be learned from the story of Yoosuf (peace be upon him):

"He said: 'O my Lord! Prison is dearer to me than that to which they invite me. Unless You turn away their plot from me, I will feel inclined towards them and be one (of those who commit sin and deserve blame or those who do deeds) of the ignorant'

So his Lord answered his invocation and turned away from him their plot. Verily, He is the All-Hearer, the All-Knower" [Yoosuf 12:33 – interpretation of the meaning]

Shaykh Muhammad al-Duwaysh

2. Looking at pictures of women led him to commit the “secret vice”

Question:

What is the ruling on looking at pictures of promiscuous women and then doing the “secret vice” (masturbation) for fear of falling into zina (fornication) or homosexuality? May Allaah reward you with good.

Answer:

Praise be to Allaah.

With regard to the ruling on looking at naked pictures, please see question # 8861.

With regard to your committing the “secret vice”, your looking at something haraam led you to commit another haraam action. Perhaps it may lead you in the future to commit one of the major sins – Allaah forbid – such as fornication or homosexuality.

Doing the “secret vice” is haraam. It is important that you see question no. 329.

What you have to do is to repent to Allaah from the sins that you have committed, and keep away from every haraam thing that may provoke desire. You will not find any better means than fearing Allaah, then protecting yourself by means of marriage. If you cannot get married, then you have to fast, for it will be a shield for you. This is the advice of the Prophet SAW (peace and blessings of Allaah be upon him) to young men. Try not to be unoccupied as far as you can, and seek the help of Allaah. And Allaah knows best. May Allaah bless our Prophet Muhammad.

Al-Akhlaaq (characteristics) – al-Akhlaaq al-Madhoomah (Blameworthy characteristics) .

3. Fantasizing about one's wife

My wife has had to go abroad and has been there now for about four months. Although we miss each other tremendously and talk on the phone every day I often find myself imagining and fantasizing about my wife which leads me to a state of arousal. Is this allowed or should I try to stop thinking about my wife when my thoughts take this path, also, is this healthy?

Answer:

In the Name of Allah, Most Merciful & Compassionate

It would not be permitted to arouse yourself in a matter that would lead you to do the impermissible.

Faraz.

Please also see the following links in answer to your question:

[Thinking of Other Women in a Sexual Way... Turning to Allah, Repentance, Seeking Sufficiency in the Halal, and Thanking Allah for His Blessings](#)

[The Ruling on Masturbation: Prohibitively Disliked](#)

[What is Sincere Repentance](#)

Sunni Path Fiqh Team

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Contact with the non-Mahram

1. Man writing romantic letters to his former wife

Question:

Is it halaal or haraam for a person to write or call former spouse in romantic way after that person is remarried and also is it appropriate to keep former spouse's cards and pictures in the bedroom where newly married couple resides?

Answer:

Praise be to Allaah.

Firstly:

After a woman has been divorced and her 'iddah is finished, she becomes a "stranger" (i.e., non-mahram) to her former husband, so it is not permissible for him to correspond with her or talk to her or shake hands with her or be alone with her. Such actions on his part or on hers pave the way for immorality, let alone being haraam in and of themselves.

1 – Shaykh Muhammad Saalih ibn ‘Uthaymeen said:

It is not permissible for any person to correspond with a woman who is not his mahram, because of the fitnah (temptation) involved in that. The person who is sending these letters may think that there is no fitnah involved, but the Shaytaan will keep at him until he tempts the man by means of the woman and vice versa.

The Prophet (peace and blessings of Allaah be upon him) commanded those who hear the Dajjaal to keep away from him, and he said that a man may come to him as a believer, but the Dajjaal will keep at him until he tempts him and leads him astray.

There is a great deal of temptation and danger in correspondence between young men and young women, so they must keep away from it, even though the questioner may say that there is no love involved.

Fataawa al-Mar’ah al-Muslimah, 2/578

2 – Shaykh ‘Abd-Allaah al-Jibreen said, when he was asked about corresponding with a non-mahram woman:

This action is not permissible, because it will provoke desire between them and will make them want to meet one another. This kind of correspondence often causes fitnah (temptation) and plants the seeds of zina in the heart, which leads to evil actions. So we advise those who are seeking that which is in their own best interests and who wish to protect themselves to avoid writing to or speaking with non-mahrams, etc., so as to protect their religious commitment and their honour, and Allaah is the Source of help.

Fataawa al-Mar’ah al-Muslimah, 2/578, 579

Secondly:

It is not permissible for a husband or a wife to keep pictures of one another after the ‘iddah following talaaq has ended, because they have become strangers (i.e. non-mahrams) to one another and Allaah has forbidden them to look at one another. Allaah says (interpretation of the meaning):

“Tell the believing men to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts). That is purer for them. Verily, Allaah is All-Aware of what they do.

And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts)” [al-Noor 24:30-31]

Moreover, for the husband to keep pictures of his former wife in the bedroom of his new wife is contrary to good treatment of the new wife, and it will generate jealousy and hatred towards the first wife, and rancour and hatred towards her husband.

Hence it is not permissible for the husband to keep pictures of his former wife or to correspond with her.

If the divorce is not the third and final talaaq, in which the husband is not permitted to take back his wife until after she has been married to another husband, and if the husband thinks that the reasons for the divorce no longer apply and that they can adhere to the limits set by Allaah and that each of them will be able to treat the other properly, then in such a case he can take her back with a new marriage contract so that she will be his wife again, especially if he has children from her whom he fears may be adversely affected by their parents’ separation.

Marriage to another woman does not mean that he cannot re-marry the divorced wife if he thinks that he is able to take care of both.

And Allaah knows best.

Islam Q&A

Where must you have sex

1. Is it permissible for him to have intercourse with his wife in the bathroom?

Question:

What is the ruling on a man having intercourse with his wife in the bathroom? Some people take a bath with their wives and may become aroused. What is the answer?

Answer:

Praise be to Allaah.

My brother, may Allaah help you to do that which is good and make you satisfied with that which He has permitted you so that you will have no need of that which He has forbidden. What you have mentioned in your question may be answered by noting the following :

1 – The modern kinds of washrooms in modern houses such as those in your country differ greatly from the places used in the past for relieving oneself, which were places where dirt, filth and impurities collected. Modern washrooms are not like that, rather they can be kept clean and there is no impurity in them. Therefore they are not like the places that people used for relieving themselves in the past, and there are obvious differences between them. On this basis there is no real reason why one should not fulfil one's sexual desire in such places when necessary, in the manner that you mentioned.

2 – A man's fulfilling his sexual desire with his wife may often happen as the result of stimulation, by looking or touching etc. Hence fulfilling his desire when it is provoked in such situations is a means of keeping himself chaste and lowering his gaze [from looking at other women]. This is what the Prophet (peace and blessings of Allaah be upon him) taught us to do, according to the hadeeth narrated by Muslim (1403) from Jaabir, who says that the Messenger of Allaah (peace and blessings of Allaah be upon him) saw a woman and he came to his wife Zaynab, whilst she was tanning a skin and preparing it for dyeing, and he fulfilled his need. Then he went out to his companions and said: "Woman comes and goes in the shape of a devil [i.e., she causes temptation], so if any one of you sees a woman, let him go and have intercourse with his wife, for that will take away what he feels in his heart." This was also narrated by Ahmad, 19403; Ibn Maajah, 1853. Ibn Hibbaan narrated in his *Saheeh*, 4171, that 'Abd-Allaah ibn Abi Awfa said: "The Messenger of Allaah (peace and blessings of Allaah be upon him) said: 'No woman fulfills all her duties towards Allaah until she fulfills all her duties towards her husband. If he asks her [for his conjugal rights] even when she is on the back of a camel, she should respond to him.'"

3 – At the same time, the Muslim should not forget, when his desire is provoked, to bear in mind the intention of keeping chaste and of enjoying that which is good and permissible. Then doing that will be an act of charity and righteousness on his part, as the Prophet (peace and blessings of Allaah be upon him) said: "In the intimacy of any one of you there is charity." They said, "O Messenger of Allaah, if any one of us fulfills his desire will there be reward for him in that?" He said, "Do you not see that if he does it in a haraam way, that will be a sin on him? So if he does it in a halaal way, he will be rewarded for that." (Narrated by Muslim, 1006, from the hadeeth of Abu Dharr). A man should also recite the du'a' that was narrated from the Prophet (peace and blessings of Allaah be upon him) for this situation. The Prophet (peace and blessings of Allaah be upon him) said: "When any one of you wants to have

intercourse with his wife, let him say: '*Bismillaah, Allaahumma jannibna al-Shaytaana wa jannib al-Shaytaana ma razaqtana* (In the name of Allaah, O Allaah, keep the Shaytaan away from us and from that with which You may bless us)', then if it is decreed that they should have a child from that, the Shaytaan will never be able to harm him." (Narrated by al-Bukhaari, 6388; Muslim, 1434, from the hadeeth of 'Abd-Allaah ibn 'Abbaas).

May Allaah grant you strength and bless you.

Dr. 'Abd al-Wahhaab ibn Naasir al-Turaydi.

2. Can we put any Islamic wall piece like some surah's in our bedroom?

It is not advisable to put frames with verses of the Qur'aan in one's bedroom.

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai

Curbing sexual desires

Homoeopathy remedies for Nymphomania

**Homoeopathy remedies from "Homoeopathy – the Complete Handbook Dr. K.P.S.Dhama & Dr. (Mrs) Suman Dhama
UBS publishers India – 2000 reprint**

1. Coition creates more desire for sex; worse during menstruation
Tarentula h.200 or 1M weekly (3)
2. Worse before and during menses; unable to control herself
Veratrum-alb.30 4 hourly
3. Worse before menses and during pregnancy; easily influenced for coition
Phosphorus 200
4. In young girls; forced to masturbate due to excessive desire for sex
Origanum 30 4 hourly
5. During menses or after suppression of menses; excessive sexual urge.
Platina 200 or 1M weekly (3)
6. Clitoris erects after masturbation with excessive desire; worse before menses
Calc-phos. 12x or 30 4 hourly
7. Swelling and irritation of vulva with excessive desire; sexual mania
Cantharis 30 or above 4 hourly
8. When there is intolerance of the weight of the clothing around waist; loquacious and jealous women; especially at the time of change of life (menopause)
Lachesis 200 or 1M weekly (3)
9. Excessive desire with ailments of uterus; prolapsus and pulsation in neck of uterus
Lilium tig.30 or 200 4 hourly (3)

10. Excessive sexual excitement with enlarged and indurated uterus; least touch causes violent sexual excitement
Murex 200 or 1 M 4 hourly (3)

11. Nymphomania; libidinous thoughts and lascivious dreams; sexual passion
Salix nig.Q or 30 4 hourly

12. Insatiable excitement with great violence; fear of dark
Stramonium 200 or 1M 4 hourly (3)

Biochemic remedy *Calcarea phos.* 200 X 4 hourly

Other Matters

1. Discussing sex

The following hadith indicates that, in case of need, a female can indirectly state that her husband had intercourse with her.

Having sex the night before entering into ihram

Sahih Muslim Book 7, Number 2698:

Muhammad b. al-Muntashir reported on the authority of his father: I asked 'Abdullah b. 'Umar (Allah be pleased with them) about a person who applied perfume and then (on the following) morning entered upon the state of Ihram. There upon he said: I do not like to enter upon the state of Ihram shaking off the perfume. Rubbing of tar (upon my body) is dearer to me than doing this (i. e. the applying of perfume), I went to 'A'isha (Allah be pleased with her) and told her that Ibn 'Umar stated: " I do not like to enter upon the state of Ihram shaking off the perfume. Rubbing of tar (upon my body) is dearer to me than doing it (the applying of perfume)." Thereupon 'A'isha said: I applied perfume to the Messenger of Allah (may peace be upon him) at the time of his entering upon the state of Ihram. He then went round his wives and then put on Ihram in the morning.

Ahmed Fazel

2. Is it permissible for husband and wife to discuss sexual issues and, perhaps, use various figurative words for the private organs or clearly use the nouns specified for the sexual organs.

Permissible but you should abstain from foul language. Also, this discussion should not lead to disclosing to each other the private sexual lives of others. Nor should such information be sought from others unless necessary.

Ahmed Fazel

3. Can you read erotic and sexual literature?

You may read sexual literature that is void of photographic pornography ensuring that such reading is for the purpose of sexual knowledge, and that any material within such literature which violates the Shariah is not practised. Sometimes, some good literature is available but may include nude photography. Such pages must be cut-off if possible or folded or covered with something so that it does not lead any of the spouses to enjoy or admire the nude figures of other persons.

Even though erotica (sexual literate in the form of sexual episodes or imaginary sexual experience and conduct) may be void of illustrations or nude photographs, the reading thereof is not for educational purposes. The primary function of such literature is to drive the mental thoughts into the realm of sexual fantasies, incite the desire for intimacy and sex and to provide some level of reading pleasure that heightens the want for sexual gratification or incites the sexuality to a level of arousal that leads to masturbation or seeking sex. It would thus not be permissible. Nor would you be allowed to sell or buy such literature. Reading such material is addictive and could lead towards seeking haraam forms of pleasure with others or in regular masturbation.

4. Parents preventing their married children from consummation

Fatwa No. : 81945

Fatwa Title : Wishes to have sex with wife but mother prevents it

Fatwa Date : / 01-06-1999

Question

I got married to my cousin just a month ago. The nikaah was done, but culturally I have to have a separate ceremony to bring home my wife and complete the marriage. I wish to have sex with my wife but my mother wants to prevent this. Can anyone, including my mother, stop her son and his wife from having sex? Is this permissible for my mother? My wife is presently in Pakistan. I want her to come to England next month. My mother is also in Pakistan, but refuses to agree with me. My mother wants to come alone first, then go back after a few of months and then bring my wife to England. But I want my wife to come as soon as possible and do not accept my mother's idea. Does Islam allow my mother to control my marriage life? I fear that she will intervene in me and my wife's relationship whenever she wants to. I love both my mother and my wife, but cannot give up my haqq (right).

Fatwa

Praise be to Allah, the Lord of the Worlds; and blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

May Allah bless for you, and bless upon you, and bring the two of you together in good.

We advise you to solve your problem wisely and carefully. Be calm and confident so that you can get rid of this dilemma without any negative effects.

No one has the right to prevent a husband from enjoying his wife, if the marriage was done in the legal way. But you should try to convince your mother by explaining to her your dire need to be with your wife, so that your life will be settled and you may guard yourself from evils. Inform her that these things are recommended in Shari'ah. Address her in terms of honour and ask her compassion with polite speech. Indeed a mother is always sympathetic and kind hearted.

Allah knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

Assisting others to engage in illicit sexual activities

1. Lending your vehicle to another for the purpose of Haraam sexual activities

Question

My friend indulges in wrong activities. He once asked for a car for the same wrong doing, the other friend knew that what he will be going to do but still gave the car. This friend does oral sex. The person who owns the car felt ashamed, and had since never allowed his car for such a purpose again. Will he be equally responsible and how can he now give redemption for that sin.

Answer

In regard to his fear that he will have partial sin for knowingly borrowed a vehicle in which someone was to engage in sex or Haraam, he might have a sin equal to the nature of the sin committed or the sin to be committed. There is no compensation prescribed for assisting in the perpetration of this form of Haraam. Thus, there is nothing that he can do but to regularly and always ask Allah for sincere forgiveness, and to ensure that he never ever repeats the same.

(Ahmed Fazel: I do not know who had answered the above but it is correct)

Taharah (Purification) issues

1. Can a *junub* sleep or eat without having to make *wuḍū'* or *ghusl*?

The *hadīth* indicating that a *junub* does not have to bath or make *wuḍū'* before sleeping.

‘Āishah R.A. says: *Rasūlullāh S.A.W.* used to go to sleep in the state of being *junub* (in major impurity) without having used any water (for any form of purification).¹¹

¹¹ The work “ Mukhtaṣar An-Nāsikh wal Mansūkh fī *hadīth i Rasūlillāh* by Dr. ʻIzz-ud-dīn Husain Ash-Shaikh, p11, 1993 First Print, Beirut, Dār-ul-kutub-il-īmāyah states (that this *hadīth* was) “Narrated by Abu Daud, Tirmidhi and Ahmed. Baihaqi has classified it as *Sahīh*. Ibn Ḥazm said “The *hadīth* of ʻAbū Ḥishāq is *thābit* (established) and *Sahīh*. Ahmed Shakir also classified it as authentic in his annotations on the Sunan Tirmidhi (1- 203,206). Refer to Al-Muntaqā by Ibn Taimīyah (1-133) *hadīth* no. 367.”

التلخيص الحبير
أحمد بن علي بن محمد الكناني (العسقلاني) الشافعی
كتاب الطهارة - باب الغسل

وَأَمَّا مَا رَوَاهُ أَصْحَابُ السُّنْنِ مِنْ حَدِيثِ الْأَسْوَدِ أَيْضًا عَنْ عَائِشَةَ : { أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَتَأَمَّ وَهُوَ جُنْبٌ , وَلَا يَمْسُسُ مَاءً } فَقَالَ أَحْمَدُ : إِنَّهُ لَيْسَ بِصَحِيحٍ , وَقَالَ أَبُو دَاوُدُ : هُوَ وَهُمْ , وَقَالَ يَزِيدُ بْنُ هَارُونَ : هُوَ خَطَا , وَأَخْرَجَ مُسْلِمٌ الْحَدِيثَ دُونَ فُوْلِهِ : وَلَمْ يَمْسُسْ مَاءً " وَكَانَهُ حَذَفَهَا عَمَّا , لِأَنَّهُ عَلَلَهَا فِي كِتَابٍ

This *hadīth* indicates that a *junub* does not have to bathe or make *wuḍū'* before sleeping immaterial whether this be during the day or at night since there is no details limiting the sleep to be only at night.

Two *hadīths* indicating that a *junub* does have make *wuḍū'* before eating or sleeping.

1. Ḥāfiẓ Abū Ishaq R.A. says: Whenever *Rasūlullāh S.A.W.* was a *junub*, and intended to eat or sleep, he used to make *wuḍū'* in the same way he made his *wuḍū'* for *ṣalāh*.¹²

2. In another *hadīth*, it is narrated from Ḥāfiẓ Umar R.A. that he asked *Rasūlullāh S.A.W.*: Can any one of us sleep when he is a *junub*. He replied: Yes, if he has made *wuḍū'*.¹³

Analysis

الشَّمَيْزُ، وَقَالَ مُهَمَّاً عَنْ أَحْمَدَ بْنِ صَالِحٍ : لَوْلَمْ يُخَالِفْ أَيَا إِسْحَاقَ فِي هَذَا ؛ إِنَّا إِبْرَاهِيمُ وَحْدَهُ الْكَفِيُّ . فَكَيْفَ وَقَدْ وَاقِفُهُ عَبْدُ الرَّحْمَنُ بْنُ الْأَسْوَدَ ، وَكَذَلِكَ رَوَى عُرْوَةُ وَابْنُ سَلَمَةَ ، عَنْ عَائِشَةَ ، وَقَالَ أَبْنُ مُقْوَزَ : أَجْمَعَ الْمُحَدِّثُونَ عَلَى أَنَّهُ حَطَّا مِنْ أَيِّ إِسْحَاقَ . كَذَلِكَ قَالَ ، وَتَسَاهَلَ فِي نَقْلِ الْاجْمَاعِ ، فَقَدْ صَحَّحَهُ الْبَيْهَقِيُّ ، وَقَالَ : إِنَّ أَبَا إِسْحَاقَ قَدْ بَيَّنَ سَمَاعَهُ مِنْ الْأَسْوَدِ فِي رِوَايَةِ زُهْرَيْهِ عَنْهُ ، وَجَمِيعُ بَيْنِهِمَا أَبْنُ سُرِيْجَ عَلَى مَا حَكَاهُ الْحَاكِمُ ، عَنْ أَبِي الْوَلِيدِ الْفَقِيْهِ عَنْهُ ، وَقَالَ الدَّارَقَطَنِيُّ فِي الْعِلْمِ : يُشَبِّهُ أَنْ يَكُونَ الْخَبَرَانِ صَحِيْحَيْنِ ، قَالَهُ بَعْضُ أَهْلِ الْعِلْمِ . وَقَالَ التَّرْمِذِيُّ : يَرَوْنَ أَنَّ هَذَا غَلْطٌ مِنْ أَبِي إِسْحَاقِ ، وَعَلَى تَذَكِيرِ صَحَّتِهِ فَيُحْمَلُ عَلَى أَنَّ الْمُرَادَ لَمْ يَمْسُ مَاءً لِلْعُسْلِ ، وَيُوَدِّهُ رِوَايَةُ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ ، عَنْ أَبِيهِ ، عَنْ أَحْمَدَ بِلْفَظِ : { كَانَ يُجَبِّبُ مِنَ اللَّيْلِ ، ثُمَّ يَتَوَضَّأُ وَضُوْعَةً لِلصَّلَاةِ حَتَّى يُصْبِحَ ، وَلَا يَمْسُ مَاءً } أَوْ كَانَ يَفْعُلُ الْأَمْرَيْنِ لِبَيَانِ الْجَوَازِ ، وَبِهِذَا جَمِيعُ أَبْنِ فَتَيَّبَةِ فِي اخْتِلَافِ الْحَدِيْثِ ، وَيُوَدِّهُ مَا رَوَاهُ هُشَيْمٌ ، عَنْ عَبْدِ الْمَلِكِ ، عَنْ عَطَاءَ ، عَنْ عَائِشَةَ مِثْلُ رِوَايَةِ أَبِي إِسْحَاقِ ، عَنْ الْأَسْوَدِ ، وَمَا رَوَاهُ أَبْنُ حَزِيْمَةَ وَأَبْنُ حَبَّانَ فِي صَحِيْحَيْهِمَا عَنْ أَبْنِ عُمَرَ : أَنَّهُ سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيَّتَمْ أَحَدُنَا وَهُوَ جَبٌ ؟ قَالَ نَعَمْ وَيَتَوَضَّأَ إِنْ شَاءَ } وَأَصْلَهُ فِي الصَّحِيْحَيْنِ دُونَ قَوْلِهِ : إِنْ شَاءَ " ، كَمَا سَيَّاْتِي . 188 - (10) - حَدِيْثٌ : { إِذَا أَتَيْتُمْ أَهْلَهُ ، ثُمَّ بَدَأْتُهُ أَنْ يُعَاوِدَ ، فَلَيَتَوَضَّأَا بَيْنَهُمَا وَضُوْعَاءً } مُسْلِمٌ مِنْ حَدِيْثِ أَبِي سَعِيدِ الْخَدْرِيِّ ، وَرَوَاهُ أَحْمَدُ وَأَبْنُ حَبَّانَ وَالْحَاكِمُ ، (وَرَأَدُوا) : { فِي أَنَّهُ أَنْشَطَ لِلْعُوْدِ } ، وَفِي رِوَايَةِ أَبِي حَزِيْمَةَ وَالْبَيْهَقِيِّ : { فَلَيَتَوَضَّأَا وَضُوْعَةً لِلصَّلَاةِ } . وَقَالَ : إِنَّ الشَّافِعِيَّ قَالَ : لَا يَتَبَتَّ مِثْلُهُ ، وَقَالَ الْبَيْهَقِيُّ : لَعَلَّهُ لَمْ يَقْفَ عَلَى إِسْنَادٍ حَدِيْثَ أَبِي سَعِيدٍ ، وَوَقَفَ عَلَى إِسْنَادٍ حَدِيْثٍ خَيْرٍ . فَقَدْ رَوَى عَنْ عُمَرَ وَأَبْنِ عُمَرَ ، يَاسِنَدَيْنِ ضَعِيْفَيْنِ : وَيُوَدِّهُ هَذَا حَدِيْثُ أَسْنَسِ التَّابِتِ فِي الصَّحِيْحَيْنِ : { أَنَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَطْوُفُ عَلَى نِسَائِهِ بِعُشْلٍ وَاحِدٍ } وَيُعَارِضُهُ مَا رَوَى أَحْمَدُ وَأَصْحَابُ السُّنْنِ ، مِنْ حَدِيْثِ أَبِي رَافِعٍ : { أَنَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَافَ عَلَى نِسَائِهِ دَاتِ لَيْلَةٍ ، يَغْتَسِلُ عِنْدَ هَذِهِ وَعِنْدَ هَذِهِ فَقِيلَ : يَا رَسُولَ اللَّهِ أَلَا تَجْعَلُهُ عُسْلًا وَاحِدًا ؟ فَقَالَ : هَذَا أَرْكَى وَأَطْيَبُ } وَهَذَا الْحَدِيْثُ طَعْنٌ فِي أَبْوَدٍ ، فَقَالَ : حَدِيْثُ أَسْنَسِ أَصْحَحُ مِنْهُ ، وَقَالَ التَّنْوِيُّ : هُوَ مَحْمُولٌ عَلَى أَنَّهُ فَعَلَ الْأَمْرَيْنِ فِي وَقْتَيْنِ مُخْتَلِفَيْنِ .

¹² Ṣaḥīḥ Muslim. *Kitāb-ul-Ghusl*, *Bābu - wuḍū' - il- junub idhā ʻarād-an-nawm*. *hadīth* No. 132. Also Bukhari Hadith 287 - Narrated Ḥāfiẓ Umar asked the Prophet "Can anyone of us sleep while he is *junub*?" He replied, "Yes, if he performs ablution."

¹³ Narrated by Tirmidhī who has classified it as *Ṣaḥīḥ*. He then said that the *hadīth* narrated through Ḥāfiẓ Umar R.A. is the best narration in this regard and is most *Ṣaḥīḥ*. Refer to *Tufat-ul-ahwadhi*, the commentary of Tirmidhī (1- 382) No. 120.

The first *hadīth* indicates the practical action of *Rasūlullāh S.A.W.* in this regard without him expressing any explicit command in this regard. The next *hadīth* clearly expresses a positive response that although it is permissible to sleep in the state of impurity, this is only allowed if you have made *wuḍū*?

If the second two narrations which express the essentiality of making *wuḍū* before sleeping is literally viewed, then it expresses an obligation.

‘Ā’ishah R.A. has narrated two conflicting narrations in this regard. The narration that expresses that *Rasulullah S.A.W.* used to make *wuḍū* in the same way he made his *wuḍū* for *salāh* whenever he was a *junub* is more authentic than the other according to Imam Tirmidhi who has narrated both these narrations, it is therefore preferable to act upon it instead of the other.

What is somewhat perplexing is why did , ‘Ā’ishah R.A. not provide details on whether making the ablution was the last act of Nabi S.A.W. in this regard so that we could have been assured of the abrogation of the earlier narration where Nabi S.A.W. did not make wudhu when he intended to sleep in the state of janabah.

However, ‘Ā’ishah R.A. also narrates a few other ahadith where she says:

Whenever *Rasulullah S.A.W.* intended to sleep while he was a *junub*, , he used to wash his private parts and make *wuḍū* in the same way he made his *wuḍū* for *salāh*. (Bukhari Hadith 286). This hadith strengthens the argument of Imam Tirmidhi as well as further adds the essentiality of washing the private parts.

Narrated Abu Salama : I asked 'Aisha "Did the Prophet use to sleep while he was *junub*?" She replied, "Yes, but he used to perform ablution (before going to bed). Bukhari Hadith 284

In another hadith, Umar ibn al-Khattab narrates that Nabi S.A.W also instructed him to wash his penis together with making wudhu:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar related that Umar ibn al-Khattab mentioned to the Messenger of Allah, may Allah bless him and grant him peace, that he would sometimes become *junub* in the night. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Do *wudu* and wash your penis, and then sleep." Malik :: Book 2 : Hadith 2.20.78

Other ahadith indicating the practice of companions which show that they did not make a complete *wuḍū* like that which is done before *salāh*

Malik Hadith 2.20.80

Yahya related to me from Malik from Nāfi that Abdullah ibn Umar, if he wished to sleep or eat while being *junub*, would wash his face, and his arms to the elbows, and wipe his head. Then he would eat or sleep.

Malik :: Book 2 : Hadith 2.20.78

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar related that Umar ibn al-Khattab mentioned to the Messenger of Allah, may Allah bless him and grant him peace, that he would sometimes become junub in the night. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Do wudu and wash your penis, and then sleep."

Both the above ahadith are authentic. We do not have chronological details to specify which hadith was narrated before the other. Thus, the first implies an act of Abdullah ibn Umar which would not have been done if there was no allowance for it. However, it is possible that this was a personal choice. If we have definite details that he acted as he did based on details in the second hadith, then he must have interpreted wudu to refer to washing some limbs without the essentiality of doing a complete ablution as done for salaah. However, after studying the narration of 'Ā'ishah R.A., we are assured that doing wudu refers to the format of wudu for salaah.

In the above hadith, the *junub* also has to wash his penis. Thus, a female *junub* has to also wash her *farj* (vagina), and has to likewise make wudhu before sleeping.

If the second hadith, was narrated by Abdullah bin Umar at a later stage, he must have stopped practicing upon his initial format of only washing his face and arms, and making masah of his head, and then not washing his feet.

However, based on the following hadith, it is possible that Ibn Umar R.A. initially thought that it is sufficient to wash his face, hands to the elbows and make masah without thereafter washing the feet. However, the following hadith quoted by Ibn Abbas does not assuredly indicate that Nabi S.A.W. washed his face and hands only after having become *junub*, since Nabi SAW did this after passing urine subsequent to leaving his bed.

التلخيص الحبير - أَحْمَدُ بْنُ عَلَيْ بْنِ مُحَمَّدٍ الْكَنَانِيِّ (الْعَسْقَلَانِيُّ) الشَّافِعِيُّ
كتاب الطهارة - باب الغسل

وَرَوَى مَالِكٌ فِي الْمُوَطَّأِ، عَنْ أَبْنِ عُمَرَ أَنَّهُ كَانَ لَا يَغْسِلُ رِجْلَيْهِ إِذَا تَوَضَّأَ وَهُوَ جُنُبٌ لِلْأَكْلِ أَوِ النَّوْمِ، وَيُوَدِّهُ
حَدِيثُ عَلَيِّ فِي سُنْنَ أَبْيَ دَاؤِدِ حَيْثُ : قَالَ { هَذَا وُضُوءٌ مَنْ لَمْ يُحِدِّثْ } وَلَكِنْ حَبَانَ مِنْ حَدِيثِ { أَبْنِ عَبَّاسٍ : بَتْ
عِنْدَ مَيْمُونَةَ، فَرَأَيْتَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَامَ فَبَالَ، ثُمَّ عَسَلَ وَجْهَهُ وَكَفَهُ، ثُمَّ نَامَ }

Answer

Based on the fact that since Imam Tirmidhi has classified the narration of 'Umar R.A. as most authentic in this regard, it is essential for a *junub* to make *wuḍū'* before sleeping, and based on the other narration, a *junub* must also make *wuḍū'* before eating.

Based on the more authentic narrations of Imam Bukahri, it is essential for a *junub* to make *wuḍū'* before sleeping.

The Malikiyah view it as Mustahabb for a junub to make full wudhu, as done for salaah, before sleeping

أبو العباس أحمد الصاوي المالكي
الصغرى

أي يُنْدَبُ لِلْجُنْبِ - - إِذَا أَرَادَ النَّوْمَ لِيَلَّا أَوْ نَهَارًا أَنْ يَتَوَضَّأَ وَضُوئًا كَامِلًا كَوْضُوءَ الصَّلَاةِ . كَمَا يُنْدَبُ لِغَيْرِهِ . لَكِنَّ وَضُوءَ الْجُنْبِ لَا يُبَطِّلُ إِلَى الْجَمَاعِ , يَخْلُفُ وَضُوءَ غَيْرِهِ فَإِنَّهُ يَنْفَضِعُ كُلُّ نَاقِضٍ مَا تَقْدَمَ

حاشية الصاوي على الشرح الصغير

يُنْدَبُ لِلْجُنْبِ أَيْضًا عَسْلُ فَرْجِهِ إِذَا أَرَادَ الْعُودَ لِلْجَمَاعِ , كَانَتِ الْتِي جَامَعَهَا أَوْ غَيْرُهَا لِمَا فِيهِ مِنْ إِرَالَةِ النَّجَاسَةِ , وَتَقْوِيَةِ الْعَضُوِّ . وَقَدْ قَالَ إِنْ كَانَتِ الْمَوْطُوَءَةُ أُخْرَى وَجَبَ الْعَسْلُ : لِئَلَّا يُؤْذِيَهَا بِنِجَاسَةِ غَيْرِهَا , وَيُنْدَبُ لِلثَّالِثِ الْعَسْلُ كَمَا ذَكَرَهُ أَبْنُ فَجْلَةَ , وَرَدَهُ (عَ) بِأَنَّهُ يُرْخِي مَحَلَّهَا , قَالَ شِيخُنَا فِي حَاشِيَةِ مَجْمُوعِهِ : وَلَعِلَّ الْأَظَهَرَ كَلَامُ أَبْنِ فَجْلَةَ حُصُوصًا بِقُوْرِ الْجَمَاعِ وَنَسْفَهُ .

التاج والإكليل لمختصر خليل
كتاب الطهارة - باب في الغسل
فصل في موجبات الغسل

(وَوُضُونِيهِ لِنَوْمٍ) أَبْنُ عَرْفَةَ : وَضُوءُ الْجُنْبِ لِنَوْمِهِ مُسْتَحِبٌ (لَا تَيْمِمُ وَلَمْ يَبْطِلْ إِلَى بِيَمَّاعَ) رَوَى أَبْنُ حَبِّبٍ : وَضُوءُ الْجُنْبِ لِيَنْشَطَ لِغَسْلِهِ الْأَخْمَى : فَعَلَيْهِ إِنْ فَقَدَ الْمَاءَ أَنْ لَا يَتَيَّمِمَ وَلَا يَنْفَضِعَ بِحَدِّ غَيْرِ الْجَمَاعِ .

التاج والإكليل لمختصر خليل
كتاب الطهارة - باب في التيمم
(لَا يَتَيَّمِمُ لِمُسْتَحِبٍ) مِنَ الْمُدُونَةِ : إِذَا تَيَّمَ الْجُنْبُ لِنَوْمٍ لَا يَتَوَيِّي بِهِ صَلَاةً وَلَا مَسَّ مُصْحَّفٍ لَمْ يَتَنَقَّلْ بِهِ وَلَا يَمْسُ مُصْحَّفًا .

The view of the Hanaabilah

الإنصاف - علي بن سليمان المرداوي - حنبي

كتاب الطهارة - باب الغسل

قولهُ (وَيُسْتَحِبُ لِلْجُنْبِ إِذَا أَرَادَ النَّوْمَ , أَوْ النَّاكِلَ , أَوْ الْوَطَعَ ثَانِيًّا) : أَنْ يَعْسِلَ فَرْجَهُ , وَيَتَوَضَّأَ (إِذَا أَرَادَ الْجُنْبِ النَّوْمَ) : أَسْتَحِبَ لَهُ عَسْلُ فَرْجِهِ وَوَضُوءَهُ مُطْلَقًا , عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ . وَعَنْهُ يُسْتَحِبُ ذَكْرُهُ لِلرَّجُلِ فَقَطْ . قَالَ أَبْنُ رَجَبٍ فِي شَرْحِ الْبُخَارِيِّ : هَذَا الْمَنْصُوصُ عَنْ أَحْمَدَ . وَقَالَ الشَّيْخُ تَقْيُ الدِّينُ : فِي كَلَامِ أَحْمَدَ مَا ظَاهِرُهُ وَجُوبُهُ . فَعَلَى الْقُولِ بِالسَّتْحَبَابِ : يُكَرِّهُ تَرْكُهُ عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ , نَصَّ عَلَيْهِ . وَقَدْ قَالَ : لَا يُكَرِّهُ , وَأَخْتَارَهُ الْقَاضِيِّ . وَإِذَا أَرَادَ النَّاكِلَ , وَكَذَا الشَّرْبُ : أَسْتَحِبَ لَهُ عَسْلُ فَرْجِهِ وَوَضُوءُهُ قَبْلَهُ عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ مُطْلَقًا . وَعَنْهُ يُسْتَحِبُ لِلرَّجُلِ فَقَطْ وَعَنْهُ يَعْسِلُ يَدَهُ وَيَنْمَضِمُ فَقَطْ . وَعَلَى كُلِّ قَوْلٍ : لَا يُكَرِّهُ تَرْكُهُ عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ مُطْلَقًا , نَصَّ عَلَيْهِ , قَالَهُ أَبْنُ عَبْدِ الدَّاِنِ , وَصَاحِبُ الْفَرْوَعِ , وَغَيْرُهُمَا , وَقَدَمَهُ فِي الرِّعَايَاةِ . وَقَدْ قَالَ : يُكَرِّهُ صَحَّةَ أَبْنِ تَمِيمٍ . وَإِذَا أَرَادَ مُعَاوِدَةَ الْوَطَعِ اسْتَحِبْ لَهُ عَسْلُ فَرْجِهِ وَوَضُوءُهُ عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ مُطْلَقًا . وَعَلَيْهِ الْأَصْحَابُ . وَعَنْهُ يُسْتَحِبُ لِلرَّجُلِ فَقَطْ . ذَكَرَهُ أَبْنُ تَمِيمٍ . وَعَلَيْهَا لَا يُكَرِّهُ تَرْكُهُ عَلَى الصَّحِيحِ مِنَ الْمَذَهَبِ , نَصَّ عَلَيْهِ , قَالَ فِي الْفَرْوَعِ : لَا يُكَرِّهُ فِي الْمَنْصُوصِ , وَقَدَمَهُ فِي الرِّعَايَاةِ . وَقَدْ قَالَ : وَصَحَّةَ أَبْنِ تَمِيمٍ . تَبَيَّنَهُ : الْحَانِضُ وَالْمُنْسَأُ بَعْدَ اِنْقِطَاعِ الدَّمِ كَالْجُنْبِ , وَقَدْ اِنْقِطَاعَهُ لَا يُسْتَحِبُ لَهُمَا الْوَضُوءُ لِأَجْلِ النَّاكِلِ وَالنَّوْمِ . قَالَهُ الْأَصْحَابُ . وَقَالَ فِي مَجْمَعِ الْبَحْرَيْنِ : قُلْتَ : وَاسْتَحِبْبُ عَسْلُ جَنَابَتِهَا , وَهِيَ حَانِضٌ عِنْدَ الْجَمْهُورِ : يَشْعُرُ بِاسْتَحِبَابٍ وَضُوئِنَّهَا لِلنَّوْمِ هَذَا . فَوَانِدُ مِنْهَا : لَوْ أَحْدَثَ بَعْدَ الْوَضُوءِ : لَمْ يُعْدُهُ فِي ظَاهِرِ كَلَامِهِمْ , لِتَطْبِيلِهِمْ بِخَفَّةِ الْحَدَثِ , أَوْ بِالشَّاَطِ . قَالَهُ فِي الْفَرْوَعِ . وَقَالَ : وَظَاهِرُ كَلَامِ الشَّيْخِ تَقْيُ الدِّينِ : أَنَّهُ يُعْدِهُ , حَتَّى يَبْيَسَ عَلَى إِحْدَى الْطَّهَارَتَيْنِ . وَقَالَ { لَا تَدْخُلُ الْمَلَائِكَةَ بَيْنَ فِيهِ جَنْبَ } وَهُوَ حَدِيثُ رَوَاةِ الْإِمَامِ أَحْمَدَ وَأَبْيُو دَاؤِدَ وَالْدَّارِقَطَنِيِّ . وَقَالَ فِي الْفَانِقِ بَعْدَ أَنْ ذَكَرَ الْاسْتَحِبَابَ فِي الْثَّالِثَةِ وَالْوَضُوءُ هَذَا لَا يَبْطِلُ بِالنَّوْمِ . وَمِنْهَا : حَسْلَةٌ عِنْدَ كُلِّ مَرَّةٍ أَفْضَلُ . قُلْتَ : فَيَعْلَمُ بِهَا .

The view of the Shafi scholars

التلخيص الحبير
أحمد بن علي بن محمد الكناني (العسقلاني) الشافعى

كتاب الطهارة
باب الغسل

186 - (8) - حديث عائشة : { كنت أغسل أبا ونبي صلى الله عليه وسلم من إناء واحد تختلف أيدينا فيه من الجبابة } متفق عليه ، باللقط المذكور من حديثها ، ومن حديث أم سلمة وميمونة حمزة . 187 - (9) - حديث عائشة : { كان النبي صلى الله عليه وسلم إذا أراد أن يأكل أو ينام وهو جب ، توضاً وضوء للصلوة } متفق عليه بمعناه ، ولقط مسلم من طريق الأسود عنها : { كان رسول الله صلى الله عليه وسلم إذا كان جب ينام وهو جب ، توضاً وضوء للصلوة } ولهما من طريق البخاري عن عروة ، عن عائشة : { إذا أراد أن ينام وهو جب ، توضاً وضوء للصلوة قبل أن ينام } ولقطه إلى قوله : توضاً وهو أيضاً من رواية الأسود . عسل فرجه وتوضا للصلوة } ورواه النسائي ، بلقطه إلى قوله : توضاً وهو أيضاً من رواية الأسود . وروى ابن أبي خيثمة ، عن القبطان قال : ترك شعبة حديث الحكم في الجب إذا أراد أن يأكل . قلت : قد أخرجه مسلم من طريقه قطعه تركه بعد أن كان يحدث به لتفرده بذكر الأكل ، كما حكاه الخال عن أحمد ، وقد روى الوضوء عند النائل للجب ، من حديث حمير ، عند ابن ماجة وأبن حزيمة ، ومن حديث أم سلمة وأبي هريرة ، عند الطبراني في الأوسط . وقد روى النسائي من طريق أبي سلمة ، عن عائشة ، بلقط { كان إذا أراد أن ينام وهو جب ، توضاً وضوء للصلوة ، وإذا أراد أن يأكل أو يتشرب عسل يديه ، ثم يمس يشرب } وأماماً ما رواه أصحاب السنن من حديث الأسود أيضاً عن عائشة : { أن رسول الله صلى الله عليه وسلم كان ينام وهو جب ، ولما يمس ماء } فقال أحمد : إنما ليس ب صحيح ، وقال أبو داود : هو وهم ، وقال يزيد بن هارون : هو خطأ ، وأخرج مسلم الحديث دون قوله : ولم يمس ماء " وكأنه حدقها عمداً ، لانه عللها في كتاب التمييز ، وقال مهنا عن أحمد بن صالح : لما يحل أن يروى هذا الحديث ، وفي علل الثرم : لوم يخالف أبا إسحاق في هذا ؛ إنما يبرأهيم وحده لكتفي . فكيف وقف واقفه عبد الرحمن بن الأسود ، وكذلك روى عروة وأبو سلمة ، عن عائشة ، وقال ابن مقوز : أجمع المحدثون على أنما حطأ من أبي إسحاق . كما قال ، وتساهم في نقل الجامع ، فقد صححة البيهقي ، وقال : إنما إسحاق قد بين سماعة من الأسود في رواية زهير عنه ، وجمع بينهما ابن سريج على ما حكاه الحاكم ، عن أبي الوليد الفقيه عنه ، وقال الدارقطني في العلل : يشبه أن يكون الخبران صحيحين ، قاله بعض أهل العلم . وقال الترمذى : يرون أن هذا خطأ من أبي إسحاق ، وعلى تقدير صحته فيحمل على أن المراد لما يمس ماء للغسل ، ويؤيد هذه رواية عبد الرحمن بن الأسود ، عن أبيه ، عند أحمد بلقط : { كان يجع من الليل ، ثم يتوضاً وضوء للصلوة حتى يصبح ، ولما يمس ماء } أو كان يفعل الأمرتين ليبيان الجواز ، وبهذا جمع ابن قتيبة في اختلاف الحديث ، ويؤيد ما رواه هشيم ، عن عبد الملك ، عن عطاء ، عن عائشة مثل رواية أبي إسحاق ، عن الأسود ، وما رواه ابن حزيمة وأبن حيان في صحيحهما عن ابن عمر : أنما سال النبي صلى الله عليه وسلم أيام أحدنا وهو جب ؟ قال نعم ويتوضاً إن شاء ، وأصله في الصحيحين دون قوله : إن شاء " ، كما سيأتي . 188 - (10) - حديث : { إذا أتي أحدهم أهله ، ثم بدا له أن يعاود ، فليتوضاً بيدهما وضوءا } مسلم من حديث أبي سعيد الخدري ، ورواه أحمد وأبن حزيمة وأبن حيان والحاكم ، ورداوا : { فلما أنشط للعود } ، وفي رواية ابن حزيمة والبيهقي : { فليتوضاً وضوء للصلوة } . وقال : إن الشافعى قال : لما يثبت مثله ، وقال البيهقي : لعنة لم يقف على إسناد حديث أبي سعيد ، ووقف على إسناد حديث غيره . فقد روى عن عمر وأبن عمر ، ياسدين ضعيفين : ويؤيد هذا حديث أنس الثابت في الصحيحين : { أنما صلى الله عليه وسلم كان يطوف على نسائه بعسل واحد } ويعارضه ما روى أحمد وأصحاب السنن ، من حديث أبي رافع : { أنما صلى الله عليه وسلم طاف على نسائه ذات ليلة ، يغسل عنده هذه وعند هذه فقيل : يا رسول الله أنا أتجعله غسلاً واحداً } فقال : هذا أرجعى وأطيب } وهذا الحديث طعن فيه أبو داود ، فقال : حديث أنس أصح منه ، وقال النووي : هو محمول على أنما فعل الأمرتين في وقئين مختلفين . 189 - (11) - حديث روي عن عمر أنما قال : يا رسول الله أيرغد أحدنا وهو جب ؟ قال : نعم ، إذا توضاً أحدهم فليرغد } قال : ويروى أنما قال : { أغسل فرجك وتوضاً } متفق عليه من حديث عبد الله بن عمر ، والأول لقط البخاري ، وفي رواية لمسلم : { نعم ليتوضاً ، ثم ليتم حتى يغسل إذا شاء } وكابن حزيمة : { أيام أحدنا وهو جب ؟ قال : ينام ويتوضاً إن شاء } وفي رواية للشيفين ذكر { عمر أنما تضيئه جنابة من الليل } ، فقال : توضاً واغسل ذكرك ، ثم تم } . وروى مالك في الموطأ ، عن ابن عمر أنما كان لا يغسل رجليه إذا توضاً وهو جب للأكل أو

الثُّوْمُ وَيُؤَيِّدُهُ حَدِيثٌ عَلَيْهِ فِي سُنْنَةِ أَبِي دَاوُدَ حَيْثُ : قَالَ { هَذَا وُضُوءٌ مَنْ لَمْ يُحْدِثْ } وَلَكِبْنَ حِبَّانَ مِنْ حَدِيثِ { أَبْنَ عَبَّاسٍ : بَتْ عِنْدَ مِيمُونَةَ , فَرَأَيْتَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَامَ فَبَالَ , ثُمَّ عَسَلَ وَجْهَهُ وَكَفَهُ , ثُمَّ نَامَ }

الفتاوى الفقهية الكبرى – أحمد بن محمد الهيثمي الشافعى
كتاب الطهارة - باب الغسل

(وَسُلِّلَ) - نَفْعُ اللَّهِ بِهِ - عَنْ قَوْلِ الْأَصْحَابِ وَالْعَبَارَةِ لِلْأَرْشَادِ (وَتَذَبَّبَ لِجَبْنَ عَسَلَ فَرْجَ وَوُضُوءَ لِنُومٍ وَوَطَءٍ وَطَعْمٍ هُلْ يَتَوَوَّيُ الْوُضُوءُ لِهَذِهِ الْأَشْيَاءِ؟ كَمَا أَنَّهُ يَتَوَوَّيُ فِي الْأَغْسَالِ الْمَسْتَوْنَةِ أَسْبَابَهَا إِلَى الْمَجْنُونِ وَالْمَعْنَى عَلَيْهِ فَيَتَوَوَّيُ كُلُّ مِنْهُمَا رَقْعَ الْجَنَابَةِ؟) فَإِنْ فَلَمْ يَهِيَّءْ فَذَكَرَ وَإِنَّمَا فَمَا الْفَرْقُ؟ (فَلَجَابَ) بِقَوْلِهِ : قَدْ ذَكَرْتُ الْمَسَالَةَ فِي شَرْحِ الْعَبَابِ مَعَ نَظَائِرِهَا مِنْ كُلِّ وُضُوءِ مَسْلُونٍ وَعَبَارَةِ الشَّرْحِ مَعَ الْمَنْثَنِ (وَالْمَرَادُ فِي جَمِيعِ هَذِهِ الصُّورِ الَّتِي قَلَّا يُسَنُّ الْوُضُوءُ فِيهَا الْوُضُوءُ الشَّرْعِيُّ كَمَا نَصَّ عَلَيْهِ الشَّافِعِيُّ رَضِيَ اللَّهُ عَنْهُ فِي نَحْوِ الْغَيْبَةِ وَصَوْبَةِ الْتَّوْوِيِّ فِي الْمَجْمُوعِ مُسْتَنِدًا إِلَى مَا يَأْتِي عَنِ الشَّاشِيِّ وَهُوَ عَسَلُ الْأَعْضَاءِ الْأَرْبَعَةِ مَعَ الْبَيْهِيِّ وَالْتَّرْبِيِّ لَا الْتَّغْوِيُّ الَّذِي هُوَ مَجْرِدُ النَّظَافَةِ خَلَفًا لِلْمَتَوَلِيِّ وَأَبْنِ الصَّبَاغِ , فَقَدْ أَسْبَغَ الشَّاشِيُّ فِي الْمَعْهُدِ حَمْلَ الْثَّانِيِّ اسْتِحْبَابَ الشَّافِعِيِّ الْوُضُوءَ مِنْ الْكَلَامِ الْخَيْثِ عَلَى عَسَلِ الْقَمِ يَأْنَ ظَاهِرُ النَّصِّ أَنَّ الْمَرَادُ بِهِ الشَّرْعِيُّ قَالَ : وَالْمَعْنَى يُؤَيِّدُهُ فَإِنْ عَسَلَ الْقَمَ لَا يُوَتَّرُ فِيمَا جَرَى وَإِنَّمَا الْقَصْدُ بِهِ التَّكْفِيرُ مِنَ الْمَائِمِ وَالْتَّهْبِيرِ مِنَ الدُّنُوبِ) ۱ هـ . نَعَمْ قَالَ الْحَلِيمِيُّ : (الْمَرَادُ بِهِ لِمَعَاوِدَةِ الْوَطَعِ الْتَّغْوِيِّ لِلصَّرْيِحِ يَهِيَّءُ فِي رَوَايَةِ ۱ هـ . وَنَقْلَةُ الْفَرَطِبِيِّ فِي شَرْحِ مُسْلِمٍ عَنْ أَكْثَرِ الْعُلَمَاءِ لِبَخْرِ { فَلَيُعْسِلْ فَرْجَهُ مَكَانٌ "فَلَيُوَضَّأْ" وَنَقْلَةُ عَنِ الْجَمْهُورِ أَنَّ الْمَرَادَ بِوُضُوءِ الْجَبْنِ لِلْأَكْلِ عَسَلُ يَدِيهِ لِمَا رَوَاهُ النَّسَائِيُّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا { كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَرَادَ أَنْ يَنَمَّ , وَهُوَ جَبْنٌ تَوْضِيًّا , وَإِذَا أَرَادَ أَنْ يَأْكُلَ أَوْ يَشْرَبَ عَسَلَ يَدِيهِ ثُمَّ يَأْكُلُ أَوْ يَشْرَبُ } ۱ هـ . وَالَّذِي يَتَجَهَّهُ أَنَّ الْمَرَادَ الْوُضُوءُ الشَّرْعِيُّ فِي الْكُلِّ ؛ لِمَا فِيهِ مِنْ تَحْقِيقِ الْحَدَثِ , وَأَنَّ عَسَلَ الْفَرْجِ فِي الْأَوَّلِ وَالْيَدِيْنِ فِي الْتَّانِيِّ يَحْصُلُ بِهِ أَصْلُ السَّيْسَيَّةِ لَا كَمَالَهَا) انْتَهَ عَبَارَةُ الشَّرْحِ الْمَذَكُورِ , وَبِمَا ذُكِرَ فِيهَا مِنْ أَنَّ الْمَرَادَ الْوُضُوءُ الشَّرْعِيُّ وَأَنَّهُ الْبَيْهِيِّ , وَعَسَلُ الْأَعْضَاءِ الْأَرْبَعَةِ مَعَ الْتَّرْبِيِّ يُعْلَمُ أَنَّهُ يَتَوَوَّيُ فِيهَا مِنْ نَيَّاتِهِ الْمُجْزَنَةِ لَا أَسْبَابَهَا ؛ لِإِنَّ الْقَصْدَ هَذَا رَقْعُ الْحَدَثِ الْأَصْغَرُ إِمَّا لِيُخْفِي حَدَثَهُ الْأَكْبَرِ فِي صُورَةِ الْجَبْنِ الْمَذَكُورَةِ فِي السُّؤَالِ , وَإِمَّا لِتَحْصُلَ لَهُ حَقِيقَةُ الْطَّهَارَةِ , فَيَكْفُرُ إِثْمَهُ فِي نَحْوِ الْتَّكَلُّمِ بِكَلَامِ فِيهِ إِثْمٌ أَوْ يَرْتَفِعُ حَدَثُهُ فِي الصُّورَ الْتِي جَرَى فِيهَا خَلَافٌ بِيَنْقَضِ الْوُضُوءِ , أَوْ يَرْدَدُ تَاهَلَهُ وَتَعْظِيمَهُ فِي نَحْوِ قِرَاءَةِ الْقُرْآنِ وَالْحَدِيثِ وَالْعِلْمِ وَتَحْوِي الْأَذَنَ وَالْذَّكْرُ بِمَا تَقْرَرَ هُنَّا مِنْ هَذِهِ الْفَوَانِدِ الْمُتَرَبَّةِ عَلَى مَا قَلَّا أَنَّهُ يَتَوَوَّيُ بِالْوُضُوءِ نَحْوِ رَقْعِ الْحَدَثِ يُفَرَّقُ بَيْنَ مَا هُنَّا وَبَيْنَ نَيَّاتِهِ فِي الْأَغْسَالِ الْمَسْتَوْنَةِ أَسْبَابَهَا إِلَى الْمَجْنُونِ وَالْمَعْنَى عَلَيْهِ , وَيُؤَيِّدُ الْفَرْقَ اسْتِثْنَاءُ هَذِينِ ؛ لِأَنَّ الْقَصْدَ فِي أَمْرِهِمَا بِالْعَسْلِ رَقْعَ الْجَنَابَةِ الْمُحْمَلَةِ ؛ فَذَكَرَ طَلَبَ مِنْ كُلِّ مِنْهُمَا نَيَّةَ رَقْعِهَا , فَكَذَّا الْقَصْدُ بِالْوُضُوءِ فِي تِلْكَ الصُّورِ مَا مَرَّ مِنْ تَحْقِيقِ الْحَدَثِ وَمَا بَعْدَهُ , وَذَلِكَ لَا يَحْصُلُ إِلَى نَيَّاتِهِ رَقْعَهُ أَوْ نَحْوِهَا فَقَاتِلَ هَذَا الْفَرْقَ , فَإِنَّهُ ظَاهِرٌ لَا خَفَاءَ فِيهِ وَاللَّهُ سُبْحَانَهُ أَعْلَمُ .

Notes by Ahmed Fazel: I have not yet studied the commentaries on these narrations, nor checked other ahadith. I have neither read all the other views of the Fuqaha of the other madhahib, or of all the fuqahaa of any one of the madhahib, on the matter. The above details and inferences are thus subject to correction.

2. The use of garments for Ibadah when you have already sweated in them during the state of janaabah

Malik Hadith 2.23.89

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to sweat in a garment while he was junub and then pray with it on.

3. Emission of sperm shortly after bathing from Janabah

Islam Questions & Answers
www.islam-qa.com

Question Reference Number: 44945

Title: If maniy comes out after doing ghusl from janaabah

Home > Jurisprudence and Islamic Rulings > Acts of Worship > Purity > Full Ablution > Question:

I am a young man. I try very hard to avoid the secret habit but unfortunately I am too weak sometimes. After I do ghusl, it so happens that some thin, sticky liquid comes out. Does this mean that I have to do ghusl even if it is maniy (sperm)? Please note that it comes out without any feelings of desire. Or is it permissible to remove the impurity by washing it away?

Answer:

Praise be to Allaah.

Firstly: You have to repent to Allaah from the secret habit and give it up, and beware of the consequences of sinning repeatedly, because the Prophet (peace and blessings of Allaah be upon him) said: “If a person commits a sin, a black spot appears on his heart. If he stops and seeks forgiveness and repents, his heart is cleansed, but if he goes back to it, it increases until it covers his entire heart. This is the *raan* which Allaah mentions (interpretation of the meaning): ‘*Nay! But on their hearts is the Raan (covering of sins and evil deeds) which they used to earn*’ [al-Mutaffifeen 83:14].” Narrated by al-Bukhaari, 3257; Ibn Maajah, 4234; classed as hasan by al-Albaani in *Saheeh al-Tirmidhi*, no. 2654. Please see also question no. [329](#), where there is an explanation of how to give up this bad habit.

Secondly: If a person does ghusl after having a wet dream or intercourse, then something comes out of him after that, unaccompanied by feelings of desire, he does not have to do ghusl again. Ibn Qudaamah (may Allaah have mercy on him) said: If a person has a wet dream or has intercourse, and ejaculates, then he does ghusl, then some semen comes out of him, the well-known view narrated from Ahmad is that he does not have to do ghusl again. Al-Khallaal said: there are many reports from Abu ‘Abd-Allaah – i.e., Imam Ahmad – that say that all he has to do is wudoo’, whether he urinated or not, and this is the view that he settled on. This was also narrated from ‘Ali, Ibn ‘Abbaas, ‘Ata’, al-Zuhri, Maalik, al-Layth, al-Thawri and Ishaaq. Sa’eed ibn Jubayr said: He does not have to do ghusl unless that was accompanied by feelings of desire.

There is also another opinion, which is that it does not matter if that happened after urinating, and he does not have to do ghusl in that case, but if it happened before urinating, then he does have to do ghusl. This is the view of al-Awzaa’i and Abu Haneefah, and was also narrated from al-Hasan. That is because this is the left overs of what was emitted as a result of desire, so ghusl is required as it was in the first instance. But after urinating, it comes out without gushing and with no feelings of desire, and we cannot be sure that it is something left over from the first instance, because if it were something left over then it would not have stayed after urinating.

Al-Qaadi said: there is also a third opinion, which is that he has to do ghusl in either case. This is the view of al-Shaafa’i, because what matters is that it has come out, as

in the case of all the things that nullify purity. He said elsewhere: he does not have to do ghusl, because the janaabah is one and the same so there is no need for two ghusls. It is as if it all came out in one go... From *al-Mughni*, 1/128.

The correct view is that if it comes out with no feelings of desire, then ghusl is not required, as it says in *al-Insaaf*, 1/232; and in *Kashshaaf al-Qinaa'*, 1/141, where it says "If semen comes out after doing ghusl then ghusl is not required. Or if semen comes out "after doing ghusl following intercourse in which he did not ejaculate", with no feelings of desire, then no ghusl is required; and if the remaining semen comes out with no feelings of desire he does not have to do ghusl, because of the report narrated from Ibn 'Abbaas, that he was asked about something coming out of a person after he had done ghusl from janaabah. He said: "Let him do wudoo'." Something similar was narrated by Imam Ahmad from 'Ali. And because this is one emission of semen so only one ghusl is required, as if it all came out in one go. And because it came out with no feelings of desire, as in the case when it is emitted because of cold. This is the reason that Ahmad gave; he said: because the desire is past, and rather it is a nullification of purity and I hope that wudoo' will be sufficient.

Shaykh Ibn 'Uthaymeen (may Allaah have mercy on him) said: The words "if something comes out after that, he does not have to do (ghusl) again" mean: if he does ghusl for this emission of semen, then some more comes out when he starts to move about, then he does not have to repeat ghusl. The evidence for that is as follows:

- 1 – The reason is one and the same, so two ghusls are not required.
- 2 – When it comes out after that, it is not accompanied by feelings of pleasure. And ghusl is only required if it comes out with feelings of pleasure.

But if semen is emitted anew with feelings of desire, then ghusl is required as a result of this new reason.

From *al-Sharh al-Mumti'*, 1/281. See also question no. [12352](#).

Thirdly: What is prescribed when doing ghusl from janaabah is to remove whatever of semen etc has contaminated the body, then to start to do ghusl beginning with the parts of the body that are washed in wudoo', then pouring water over the rest of the body, because this is proven in the description of the ghusl of the Prophet (peace and blessings of Allaah be upon him). Al-Bukhaari (251) and Muslim (476) narrated that Maymoonah (may Allaah be pleased with her) said: I prepared water for the Prophet (peace and blessings of Allaah be upon him) for ghusl. He pour water with his right hand onto his left and washed them (his hands), then he washed his private part, then he wiped his hand on the ground, then he washed it. Then he rinsed his mouth and nose, then he washed his face, and poured water on his head. Then he shifted position and washed his feet. Then he was brought a cloth but he did not use it."

If you remove some impurity etc that does not invalidate ghusl because what is required in ghusl is to wash the entire body with water – as well as rinsing the mouth and nose, according to the correct opinion – with the intention of doing ghusl. It is not a condition of removing impurity that one should avoid touching impurity whilst doing so.

And Allaah knows best.

Islam Q&A (www.islam-qa.com)

©Copyright Islam Q&A 1997-2000

You are granted the right to use and display all the information on this site without any consent from the site maintainer(s). You may copy, distribute, print, link to any document, or translate to any language, as long as the information is quoted in its entirety, the source is mentioned, and without changing the contents.

المصنف
عبد الله بن محمد بن أبي شيبة
كتاب الطهارات

(168) الجُنُبُ يَخْرُجُ مِنْ الشَّيْءِ بَعْدَ الْعُسْلِ

- (1) حَدَّثَنَا أَبُو بَكْرٍ قَالَ حَدَّثَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقَ عَنْ الْحَارِثِ عَنْ عَلَيِّ قَالَ : يَوْضَأُ .
- (2) حَدَّثَنَا هُشَيْمٌ عَنْ مَنْصُورٍ عَنْ حِيَانَ الْحَوْفِيِّ عَنْ جَابِرِ بْنِ زَيْدٍ عَنْ أَبْنَ عَبَّاسٍ قَالَ : يَوْضَأُ .
- (3) حَدَّثَنَا وَكِيعٌ عَنْ سَقِيَانَ عَنْ أَبْنَ أَبِي تَبَاتَةَ عَنْ سَعِيدِ بْنِ جُبَيرٍ قَالَ : يَوْضَأُ .
- (4) حَدَّثَنَا عِيسَى بْنُ يُوسُفَ عَنْ الْأَوْزَاعِيِّ عَنْ الزُّهْرِيِّ فِي الْمَرْأَةِ وَالرَّجُلِ يَخْرُجُ مِنْهُمَا الشَّيْءُ بَعْدَمَا يَغْسِلَانِ ، قَالَ يَغْسِلُانَ فَرْجَهُمَا وَيَوْضَانَ .
- (5) حَدَّثَنَا أَبْنُ أَبِي عَرْوَةَ وَغَيْرُهُ عَنْ الْحَسَنِ فِي الرَّجُلِ يَغْتَسِلُ مِنْ الْجَنَابَةِ ثُمَّ يَخْرُجُ مِنْ ذَكْرِهِ شَيْءٌ مِنْ الْمَنِيِّ ، قَالَ : إِنْ كَانَ بَالَ قَبْلَ أَنْ يَغْتَسِلَ فَلَا يُعِيدُ الْعُسْلَ وَإِنْ كَانَ لَمْ يَبْلُ فَلْيُعِيدُ الْعُسْلَ .
- (6) حَدَّثَنَا أَبْنُ عَلِيَّةَ عَنْ شَعْبَةَ قَالَ سَأَلَتِ الْحَكَمَ وَحَمَادًا عَنِ الرَّجُلِ يَغْتَسِلُ مِنْ الْجَنَابَةِ فَيَخْرُجُ مِنْ ذَكْرِهِ الشَّيْءُ فَقَالَا : يَغْتَسِلُ ذَكْرَهُ .
- (7) حَدَّثَنَا أَبْنُ الْمُبَارَكِ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ عَنْ قَتَادَةَ عَنْ جَابِرِ بْنِ زَيْدٍ فِي الْمَرْأَةِ يَخْرُجُ مِنْهَا الشَّيْءُ مِنْ مَاءِ الرَّجُلِ بَعْدَ الْعُسْلِ قَالَ : عَلَيْهَا الْوُضُوءُ .

المجموع شرح المذهب
يحيى بن شرف النووي
كتاب الطهارة
باب ما يوجب الغسل

(المسألة الثانية) إذا أمنى واغسل ثم خرج منه مني - على الفرب - بعد عسله لزمه الغسل ثانية ; سواء كان ذلك قبل أن يقول بعد المني أو بعد بوله ، هذا مذهبنا نص عليه الشافعي ، واتفق عليه الأصحاب ، وبه قال الآية وأحمد في رواية عنة . قال مالك وسفيان الثورى وأبى يوسف وأسحاق بن راوفيه : لا غسل مطلقا ، وهي أشهر الروايات ، وحكا ابن المنذر عن على بن أبي طالب وأبى عباس وعطاء والزهري وغيرهم رضى الله عنهم وقال أبو حنيفة : إن كان ما بال قبل العسل ثم خرج المني فلَا غسل عليه لانه بقية المني الذي اغسل عنده وإلا فيجب الغسل ثانية ، وهو رواية ثالثة عن أحمد وأبى حنيفة عكسه هذا ، إن كان بال لم يغسلن ; لانه متي عن غير شهوة وإلا وجب العسل لانه عن شهوة . دليلنا على الجميع قوله صلى الله عليه وسلم : " الماء من الماء " و لم يفرق ، ولانه نوع حدى فنقض مطلقا كالبول والجماع وسائر الأحداث

4. Purification rules when sex was not done in the female's vagina, and the male and female have released or discharged fluids from their private organs

المصنف
عبد الله بن محمد بن أبي شيبة
كتاب الطهارات

(108) في الرجل يُجَامِعُ امرأة دون الفرج

(1) حَدَّثَنَا أَبُو بَكْرٍ قَالَ حَدَّثَنَا حُسَيْنُ بْنُ عَلَىٰ عَنْ زَانِدَةَ عَنْ الرُّكَيْنِ عَنْ حُصَيْنِ بْنِ قَبِيْصَةَ الْفَزَارِيِّ عَنْ { عَلَىٰ قَالَ كُنْتُ رَجُلًا مَدَاءً وَكَانَتْ تَحْتِي بَنْتَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكُنْتُ أَسْتَحِي أَنْ أَسْأَلَهُ فَأَمْرَتْ رَجُلًا فَسَأَلَهُ قَالَ : إِذَا رَأَيْتَ الْمَذِيْقَ فَتَوَضَّأْ وَاعْسِلْ ذَكْرَكَ وَإِذَا رَأَيْتَ الْوَذِيْقَ فَاتْضَحْ الْمَاءَ فَاعْسِلْ } .

(2) حَدَّثَنَا عَبِيْدَةَ بْنُ حُمَيْدٍ عَنْ الرُّكَيْنِ عَنْ حُصَيْنِ بْنِ قَبِيْصَةَ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمِثْلِهِ .

(3) حَدَّثَنَا مُحَمَّدُ بْنُ يَشْرُبُرْ قَالَ حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ عَنْ الْحَارِثِ بْنِ شَبِيلٍ قَالَ { قَالَ عَلَىٰ كُنْتَ رَجُلًا مَدَاءً فَكُنْتَ إِذَا رَأَيْتَ شَيْئًا مِنْ ذَلِكَ اغْتَسَلْ فَبَلَغَ ذَلِكَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَمْرَتِي أَنْ اتَوَضَّأْ } .

(4) حَدَّثَنَا عَيْسَى بْنُ يُوْسَى عَنْ الْأُوزَاعِيِّ عَنْ عَطَاءٍ فِيمَا يُصِيبُ الْمَرْأَةَ مِنْ مَاءِ زَوْجَهَا تَعْسِلُهُ وَلَا تَعْسِلُ إِلَّا أَنْ يَدْخُلَ الْمَاءَ فَرْجَهَا فَإِنْ دَخَلَ فَلَتَعْسِلَ .

(5) حَدَّثَنَا وَكِيعٌ عَنْ سَقِيَانَ عَنْ الزَّبِيرِ بْنِ عَدَىٰ عَنْ إِبْرَاهِيمَ فِي الرَّجُلِ يُجَامِعُ امرأة دون فرجها قَالَ يَعْسِلُ وَتَعْسِلُ فَرْجَهَا إِلَّا أَنْ يَنْزَلَ .

(6) حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ بَرْدٍ عَنْ مَكْحُولٍ فِي الرَّجُلِ يَحْتَلُمُ وَامْرَأَةً إِلَى جَنْبِهِ فَيُصِيبُهَا مِنْ مَائِهِ أَنَّهُ لَيْسَ عَلَيْهَا غَسْلٌ وَتَعْسِلٌ حَيْثُ أَصَابَهَا إِلَّا أَنْ يُصِيبَ فَرْجَهَا فَتَعْسِلَ .

(7) حَدَّثَنَا أَبْنُ ثُمَيْرٍ عَنْ زَكَرِيَا عَنْ فِرَاسٍ قَالَ اشْتَرَيْتُ جَارِيَةً صَغِيرَةً فَكُنْتُ أَصِيبُ مِنْهَا مِنْ عَيْرٍ أَنْ أَخْالِطَهَا فَسَأَلْتُ الشَّعْبِيَّ فَقَالَ أَمَا أَنْتَ فَاغْتَسِلْ وَأَمَّا هِيَ فَيَكْفِيْهَا الْوُضُوءُ .

(8) حَدَّثَنَا أَبُو أَسَامَةَ عَنْ هَشَامَ عَنْ الْحَسَنِ فِي الرَّجُلِ يُصِيبُ مِنْ الْمَرْأَةِ فِي عَيْرٍ فَرْجَهَا قَالَ إِنْ هِيَ أَنْزَلَتْ اغْتَسَلَتْ وَإِنْ هِيَ لَمْ تَنْزَلْ تَوَضَّأَتْ وَغَسَلَتْ مَا أَصَابَ مِنْ جَسَدِهَا مِنْ مَاءِ الرَّجُلِ .

5. Is sperm pure (Taahir) – The Hanafi view

شرح معاني الآثار
أحمد بن محمد بن سلامة الطحاوي
كتاب في الطهارة

بَابُ حُكْمِ الْمَنِيِّ هُلْ هُوَ طَاهِرٌ أَمْ نَجَسٌ . حَدَّثَنَا أَبْنُ مَرْزُوقٍ قَالَ : ثَنَا شَعْبَةُ عَنْ الْحَكَمِ ، عَنْ إِبْرَاهِيمَ ، عَنْ { هَمَامَ بْنَ الْحَارِثَ : أَنَّهُ كَانَ نَازِلًا عَلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا ، فَاحْتَلَمَ ، فَرَأَتْهُ جَارِيَةٌ لِعَائِشَةَ ، وَهُوَ يَعْسِلُ أَثْرَ الْجَنَابَةِ مِنْ ثَوْبِهِ ، فَأَخْبَرَتْ بِذَلِكَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا ، فَقَالَتْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا : لَقْدْ رَأَيْتِنِي وَمَا أَرَيْدُ عَلَى أَنْ أَفْرُكَهُ مِنْ تَوْبَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ } . حَدَّثَنَا أَبُو بَكْرَةَ قَالَ : ثَنَا عَبِيْدُ اللَّهِ بْنُ عَمْرُو ، عَنْ زَيْدٍ بْنِ أَبِي أَنِيْسَةَ عَنْ إِبْرَاهِيمِ النَّخْعَنِيِّ عَنْ هَمَامَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَحْوُهُ . حَدَّثَنَا أَبُو بَكْرَةَ قَالَ : ثَنَا يَحْيَى بْنُ حَمَادٍ قَالَ : ثَنَا أَبُو عَوَانَةَ ، عَنْ الْأَعْمَشِ ، عَنْ إِبْرَاهِيمَ ، عَنْ هَمَامَ ، فَذَكَرَ تَحْوُهُ . حَدَّثَنَا فَهْدٌ قَالَ : ثَنَا عَبِيْدُ اللَّهِ ، عَنْ زَيْدٍ ، عَنْ الْأَعْمَشِ ، فَذَكَرَ مَثَلَهُ يَسِّادَهُ . حَدَّثَنَا أَبْنُ أَبِي دَاؤِدَ قَالَ : ثَنَا يُوسُفُ بْنُ عَدَىٰ ، قَالَ : أَنَا حَقْصٌ ، عَنْ الْأَعْمَشِ ، عَنْ إِبْرَاهِيمَ ، عَنْ الْأَسْوَدِ بْنِ يَرِيدَ ، وَهَمَامَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا ، مَثَلَهُ . حَدَّثَنَا فَهْدٌ قَالَ : ثَنَا الْحَمَانِيُّ قَالَ : ثَنَا شَرِيكٌ ، عَنْ مَتَصُورٍ ، عَنْ إِبْرَاهِيمَ ، عَنْ هَمَامَ ، عَنْ عَائِشَةَ مَثَلَهُ . حَدَّثَنَا أَبُو دَاؤِدَ قَالَ : ثَنَا أَبُو دَاؤِدَ قَالَ : { لَقْدْ رَأَيْتِنِي وَمَا أَرَيْدُ عَلَى أَنْ أَحْتَهُ مِنْ التَّوْبِ فَإِذَا جَفَّ ذَلِكَهُ } . حَدَّثَنَا أَبْنُ أَبِي دَاؤِدَ قَالَ : ثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ أَسْمَاءَ قَالَ : ثَنَا مَهْدِيُّ بْنُ مَيْمُونَ قَالَ : ثَنَا وَاصِلُ الْأَحْدَبُ عَنْ إِبْرَاهِيمِ النَّخْعَنِيِّ { عَنْ الْأَسْوَدِ } قَالَ : لَقْدْ رَأَشَى عَائِشَةَ ، وَأَنَا أَغْسِلُ جَنَابَةَ مِنْ ثَوْبِي فَقَالَتْ : لَقْدْ رَأَيْتِنِي وَإِنَّهُ لَيُصِيبُ تَوْبَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَمَا يَزِيدُ عَلَى أَنْ يَقْعُلَ بِهِ هَكَذَا تَعْنِي يَقْرَكُهُ } . حَدَّثَنَا أَبْنُ أَبِي دَاؤِدَ قَالَ : ثَنَا دُحَيْمٌ قَالَ : ثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ : ثَنَا الْأُوزَاعِيُّ ، عَنْ عَطَاءٍ ، عَنْ عَائِشَةَ ، قَالَتْ : كُنْتُ أَفْرُكُهُ مِنْ تَوْبِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَعْنِي الْمَنِيِّ } . حَدَّثَنَا أَبْنُ أَبِي دَاؤِدَ

في شيءٍ من هذا، دليلٌ على حكمه هو في نفسه، أطاهـر هو أم نجـس؟ . فذهبـا إلى اللهـ قد رـوى عن عـائشـة رـضـي اللهـ عـنـها ما يـدلـ على اللهـ كانـ . نـجـسـا، وـذـكـرـ في ذـكـرـ ما حـدـثـا اـبـنـ أـبـيـ دـاـوـدـ قالـ : ثـنا مـسـدـدـ قالـ : ثـنا يـحـيـيـ بـنـ سـعـيـدـ عـنـ شـعـبـةـ ، عـنـ اـبـنـ عـبـدـ الرـحـمـنـ بـنـ القـاسـمـ ، عـنـ أـبـيـهـ عـنـ عـائـشـةـ رـضـيـ اللهـ عـنـهاـ أـنـهـاـ قـالـ فـيـ المـنـيـ إـذـاـ أـصـابـ التـوـبـ " إـذـاـ رـأـيـهـ فـاغـسـلـهـ وـإـنـ لـمـ تـرـهـ فـانـضـحـهـ " . حـدـثـا اـبـوـ بـكـرـ قالـ : ثـنا وـهـبـ قالـ : ثـنا شـعـبـةـ فـذـكـرـ يـاسـنـادـ مـثـلـهـ . حـدـثـا سـلـيـمانـ بـنـ شـعـبـةـ قـالـ : ثـنا عـبـدـ الرـحـمـنـ بـنـ زـيـادـ قالـ : حـدـثـا شـعـبـةـ قـالـ : اـنـ اـبـوـ بـكـرـ بـنـ حـقـصـ قـالـ : سـمـعـتـ عـمـتـيـ ثـحـدـثـ عـنـ عـائـشـةـ مـثـلـهـ . حـدـثـا اـبـنـ مـرـزـوقـ قـالـ : ثـنا بـشـرـ بـنـ عـمـرـ قـالـ : ثـنا شـعـبـةـ ، فـذـكـرـ يـاسـنـادـ مـثـلـهـ قـالـ : فـهـذاـ ، قـدـ دـلـ عـلـىـ نـجـاسـتـهـ عـنـهـاـ . قـيلـ : لـهـ مـاـ فـيـ ذـكـرـ دـلـيلـ عـلـىـ مـاـ ذـكـرـتـ ، لـاـنـهـ لـوـ كـانـ حـكـمـهـ عـنـهـاـ . حـكـمـ سـائـرـ الـتـجـاسـاتـ مـنـ الـغـانـطـ وـالـبـولـ وـالـدـمـ ، لـمـرـتـ بـعـدـ التـوـبـ كـلـهـ إـذـاـ لـمـ يـعـرـفـ مـوـضـعـهـ مـنـهـ . إـذـاـ تـرـىـ أـنـ ثـوـبـاـ لـوـ أـصـابـهـ بـوـلـ فـخـيـ مـكـانـهـ أـنـهـ لـاـ يـطـهـرـهـ النـضـحـ وـأـنـهـ لـاـ بـدـ مـنـ عـسـلـهـ كـلـهـ ، حـتـىـ يـعـلـمـ طـهـورـهـ مـنـ الـجـاسـةـ . فـلـمـ كـانـ حـكـمـ المـنـيـ عـنـهـاـ . إـذـاـ كـانـ مـوـضـعـهـ مـنـ الـتـوـبـ ، غـيـرـ مـعـلـومـ . الـنـضـحـ ، ثـبـتـ بـذـكـرـ أـصـحـابـ الـنـبـيـ صـلـيـ اللهـ عـلـيـهـ وـسـلـمـ فـيـ ذـكـرـ ، فـرـوـيـ عـنـهـمـ فـيـ ذـكـرـ ، مـاـ حـدـثـا صـالـحـ بـنـ عـبـدـ الرـحـمـنـ قـالـ : ثـنا سـعـيـدـ قـالـ : ثـنا هـشـيـمـ ، قـالـ اـنـ حـصـيـنـ ، عـنـ مـصـعـبـ بـنـ سـعـدـ ، عـنـ أـبـيـهـ ، أـنـهـ كـانـ يـقـرـبـ الـجـنـابـةـ مـنـ ثـوـبـهـ . فـهـذاـ يـحـتـمـلـ أـنـ يـكـونـ ، كـانـ يـقـعـلـ ذـكـرـ لـهـ . عـنـهـ . طـاهـرـ . وـيـحـتـمـلـ أـنـ يـكـونـ كـانـ يـقـعـلـ ذـكـرـ كـمـاـ يـقـعـلـ بـالـرـوـثـ الـمـحـكـومـ مـنـ النـعـلـ لـاـنـهـ . عـنـهـ . طـاهـرـ . حـدـثـا يـوـسـعـ قـالـ : اـنـ اـبـنـ وـهـبـ أـنـ مـالـكـ حـدـثـهـ عـنـ هـشـامـ بـنـ عـرـوـةـ عـنـ أـبـيـهـ ، عـنـ يـحـيـيـ بـنـ عـبـدـ الرـحـمـنـ بـنـ حـاـطـبـ أـنـهـ اـعـتـمـرـ مـعـ عـمـرـ بـنـ الـخـطـابـ رـضـيـ اللهـ عـنـهـ فـيـ رـكـبـ ، فـيـهـمـ عـمـرـ بـنـ الـعـاصـاصـ ، وـأـنـ عـمـرـ عـرـسـ بـيـعـضـ الـطـرـيـقـ ، فـرـيـبـاـ مـنـ بـعـضـ الـمـيـاهـ . فـاحـتـلـمـ عـمـرـ بـنـ الـخـطـابـ رـضـيـ اللهـ عـنـهـ وـقـدـ كـادـ أـنـ يـصـبـحـ ، فـلـمـ يـجـدـ مـاءـ فـيـ رـكـبـ ، فـرـكـبـ حـتـىـ جـاءـ الـمـاءـ ، فـجـعـلـ يـعـسـلـ مـاـ رـأـيـ مـاـ اـحـتـلـمـ ، حـتـىـ أـسـفـرـ . فـقـالـ لـهـ عـمـرـ : أـصـيـحـتـ ، وـمـعـاـ ثـيـابـ ، فـدـعـ ثـوـبـكـ ، فـقـالـ عـمـرـ : بـلـ أـعـسـلـ مـاـ رـأـيـتـ وـأـنـضـحـ مـاـ لـمـ أـرـهـ . حـدـثـا يـوـسـعـ قـالـ : اـنـ اـبـنـ وـهـبـ أـنـ مـالـكـ حـدـثـهـ عـنـ هـشـامـ بـنـ عـرـوـةـ عـنـ أـبـيـهـ عـنـ زـيـدـ بـنـ الصـلـتـ أـنـهـ قـالـ : خـرـجـتـ مـعـ عـمـرـ بـنـ الـخـطـابـ إـلـىـ الـجـرـفـ فـتـنـطـرـ ، فـإـذـاـ هـوـ قـدـ اـحـتـلـمـ وـلـمـ يـعـتـسـلـ فـقـالـ : وـالـلـهـ مـاـ أـرـأـيـ إـلـاـنـ قـدـ اـحـتـلـمـ ، وـمـاـ شـعـرـتـ ، وـصـلـيـتـ وـمـاـ اـخـتـلـتـ ، فـاغـسـلـ ، وـغـسـلـ مـاـ رـأـيـ فـيـ ثـوـبـهـ وـأـنـضـحـ مـاـ لـمـ يـرـهـ . فـلـمـ مـاـ رـوـيـ يـحـيـيـ بـنـ عـبـدـ الرـحـمـنـ عـنـ عـمـرـ ، فـهـوـ يـدـلـ عـلـىـ أـنـ عـمـرـ فـعـلـ مـاـ لـمـ بـدـلـهـ مـنـهـ ، لـضـيقـ وـقـتـ الصـلـاـةـ وـلـمـ يـنـكـرـ ذـكـرـ عـلـيـهـ أـحـدـ مـمـنـ كـانـ مـعـهـ ، فـدـلـ ذـكـرـ عـلـىـ مـاـ مـتـابـعـهـمـ إـيـاهـ عـلـىـ مـاـ رـأـيـ مـنـ ذـكـرـ . وـأـمـاـ قـوـلـهـ " وـأـنـضـحـ مـاـ لـمـ أـرـهـ بـالـمـاءـ " فـإـنـ ذـكـرـ يـحـتـمـلـ أـنـ يـكـونـ أـرـادـ بـهـ " وـأـنـضـحـ مـاـ لـمـ أـرـهـ " وـأـنـضـحـ مـاـ لـمـ أـرـهـ بـهـ ، وـلـمـ يـأـتـيـنـ ذـكـرـ " حـتـىـ يـقـطـعـ ذـكـرـ عـنـهـ الشـكـ فـيـمـاـ يـسـتـأـنـفـ وـيـقـولـ : هـذـاـ الـبـلـلـ مـنـ الـمـاءـ . حـدـثـا اـبـوـ بـكـرـهـ قـالـ : ثـنا اـبـوـ الـوـلـيـدـ ، قـالـ : ثـنا عـبـدـ اللهـ بـنـ الـمـبـارـكـ ، عـنـ مـعـمـرـ ، عـنـ الزـهـرـيـ ، عـنـ طـلـحـةـ بـنـ عـبـدـ اللهـ ، عـنـ اـبـيـ هـرـيـةـ قـالـ - فـيـ المـنـيـ يـصـبـ الـتـوـبـ - " إـنـ رـأـيـهـ فـاغـسـلـهـ ، وـإـلـاـ فـاغـسـلـهـ وـلـمـ يـدـلـ عـلـىـ أـنـهـ قـدـ كـانـ يـرـأـهـ نـجـسـاـ . حـدـثـا حـسـيـنـ بـنـ نـصـرـ قـالـ : ثـنا اـبـوـ ثـعـيـمـ قـالـ : ثـنا سـقـيـانـ عـنـ حـبـيـبـ ، عـنـ سـعـيـدـ بـنـ جـبـيـرـ ، عـنـ اـبـنـ عـبـاسـ رـضـيـ اللهـ عـنـهـ قـالـ " اـمـسـحـوـاـ يـادـخـرـ " . فـهـذاـ يـدـلـ عـلـىـ أـنـهـ قـدـ كـانـ يـرـأـهـ طـاهـرـاـ . حـدـثـا سـلـيـمانـ بـنـ شـعـبـهـ قـالـ : ثـنا عـبـدـ الرـحـمـنـ ، قـالـ : ثـنا شـعـبـةـ ، عـنـ عـمـرـ بـنـ دـيـنـارـ ، عـنـ عـطـاءـ ، عـنـ اـبـنـ عـبـاسـ رـضـيـ اللهـ عـنـهـ ، نـحـوـهـ . حـدـثـا اـبـوـ بـكـرـهـ قـالـ : ثـنا إـبـرـاهـيـمـ بـنـ بـشـارـ قـالـ : ثـنا سـقـيـانـ ، عـنـ مـسـعـرـ ، عـنـ جـبـلـةـ بـنـ سـعـيـمـ قـالـ : سـأـلـتـ اـبـنـ عـمـرـ عـنـ المـنـيـ يـصـبـ الـتـوـبـ قـالـ " أـنـضـحـهـ بـالـمـاءـ " . فـقـدـ يـجـوـزـ أـنـ يـكـونـ أـرـادـ بـالـنـضـحـ ، فـالـسـلـلـ ، لـيـأـنـ الـنـضـحـ قـدـ يـسـمـيـ عـسـلـاـ ، قـالـ رـسـوـلـ اللهـ صـلـيـ اللهـ عـلـيـهـ وـسـلـمـ { أـيـ لـأـعـرـفـ دـيـنـيـ يـضـحـ الـبـحـرـ بـجـانـبـهـ } يـعـيـ يـضـرـبـ الـبـحـرـ بـجـانـبـهـ . وـيـحـتـمـلـ أـنـ يـكـونـ اـبـنـ عـمـرـ ، أـرـادـ غـيـرـ ذـكـرـهـ قـالـ : ثـنا اـبـوـ الـوـلـيـدـ قـالـ : ثـنا اـبـوـ عـوـانـةـ ، عـنـ عـبـدـ الـمـلـكـ بـنـ عـمـيـرـ قـالـ : سـلـلـ جـاـبـرـ بـنـ سـمـرـةـ وـأـنـاـ عـنـهـ . حـدـثـا اـبـوـ بـكـرـهـ قـالـ : ثـنا اـبـوـ بـكـرـهـ قـالـ : صـلـ فـيـهـ ، إـلـاـ أـنـ تـرـىـ فـيـهـ شـيـئـاـ فـتـعـسـلـهـ وـلـاـ تـنـضـحـهـ ، فـإـنـ تـنـضـحـهـ لـاـ يـرـيـدـهـ إـلـاـ شـرـاـ . حـدـثـا اـبـوـ بـكـرـهـ قـالـ : ثـنا السـرـيـ بـنـ يـحـيـيـ ، عـنـ عـبـدـ الـكـرـيـمـ بـنـ رـشـيـدـ ، قـالـ : سـلـلـ أـنـسـ بـنـ مـالـكـ عـنـ قـلـيـقـةـ أـصـابـتـهـ جـنـبـةـ لـاـ يـدـرـيـ أـيـنـ مـوـضـعـهـ ، قـالـ : اـعـسـلـهـ . قـالـ أـبـوـ جـعـفرـ : فـلـمـ اـخـتـلـفـ فـيـهـ هـذـاـ الـخـلـافـ ، وـلـمـ يـكـنـ فـيـمـاـ رـوـيـنـاهـ عـنـ رـسـوـلـ اللهـ صـلـيـ اللهـ عـلـيـهـ وـسـلـمـ دـلـلـ عـلـىـ حـكـمـهـ كـيـفـ هـوـ؟ اـعـتـرـتـاـ ذـكـرـ فـوـجـدـتـاـ خـرـوـجـ المـنـيـ حـدـثـاـ أـعـلـظـ الـأـحـدـاثـ . اـلـلـهـ يـوـجـبـ أـكـبـرـ الـطـهـارـاتـ . فـارـدـنـاـ أـنـ تـنـظـرـ فـيـ الـشـيـاءـ الـتـيـ خـرـوـجـهـاـ حـدـثـ كـيـفـ حـكـمـهـ فـيـ نـفـسـهـ؟ فـرـأـيـنـاـ الـغـانـطـ وـالـبـولـ ، خـرـوـجـهـمـاـ حـدـثـ ، وـهـمـاـ نـجـسـانـ فـيـ نـفـسـهـمـاـ . وـكـذـكـ دـمـ الـحـيـضـ وـالـسـتـحـاضـةـ ، هـمـاـ حـدـثـ ، وـهـمـاـ نـجـسـانـ فـيـ نـفـسـهـمـاـ . وـدـمـ الـعـرـوقـ ذـكـرـ فـيـ الـنـظـرـ . فـلـمـ ثـبـتـ بـمـاـ ذـكـرـنـاـ أـنـ كـلـ مـاـ كـانـ خـرـوـجـهـ حـدـثـ ، فـهـوـ نـجـسـ فـيـ نـفـسـهـ . وـقـدـ ثـبـتـ أـنـ خـرـوـجـ المـنـيـ حـدـثـ ، ثـبـتـ أـيـضـاـ أـنـهـ فـيـ نـفـسـهـ نـجـسـ . فـهـذاـ هـوـ الـنـظـرـ فـيـهـ ، عـيـرـ أـنـ اـتـبـعـنـاـ فـيـ إـيـاحـةـ حـكـمـهـ . إـذـاـ كـانـ يـأـسـاـ . مـاـ رـوـيـ فـيـ ذـكـرـ عـلـيـهـ صـلـيـ اللهـ عـلـيـهـ وـسـلـمـ . وـهـذـاـ قـوـلـ أـبـيـ حـنـيفـةـ ، وـأـبـيـ يـوـسـفـ ، وـمـحـمـدـ ، رـحـمـهـمـ اللهـ تـعـالـىـ .

Yes, the moment the head of the male organ enters the female organ, ghusl (having a full body bath) becomes compulsory immaterial whether he ejaculated or not.

Ahmed Fazel

7. He used his fingers to masturbate me (female). I did discharge. Is Ghusl compulsory?

Yes.

Ahmed Fazel

8. We were caressing each other. His penis leaked with the pre-semen (prostatic transparent fluid). Does this make Ghusl waajib?

No, it does not. Ghusl is compulsory when semen is discharged. However, if he notices the colour of the pre-semen lubricative fluid to be more white rather than transparent, this is indicative of the emission of semen that has already began to flow out with the pre-semen fluid. Thus, in this case he must bathe.

Ahmed Fazel

9. Rubbing his erect penis over her vagina or elsewhere without actually penetrating her

الفتاوى الهندية
كتاب الطهارة
باب الأول
الفصل الخامس

(وَمِنْهَا الْمُبَاشِرَةُ الْفَاحِشَةُ) إِذَا بَاשَرَ امْرَأَةً مُبَاشِرَةً فَاحِشَةً بِتَجَرُّدٍ وَأَنْتِشَارٍ وَمُلْفَافَةً لِلْفَرْجِ بِالْفَرْجِ فَفِيهِ الْوُضُوءُ فِي قَوْلِ أَبِي حَيْفَةَ وَأَبِي يُوسُفَ - رَحْمَهُمَا اللَّهُ تَعَالَى - اسْتَحْسَانًا وَقَالَ مُحَمَّدٌ رَحْمَهُ اللَّهُ تَعَالَى : لَا وُضُوءٌ عَلَيْهِ وَهُوَ الْقَيَّاسُ . كَذَّا فِي الْمُحِيطِ وَفِي النَّصَابِ هُوَ الصَّحِيحُ وَفِي الْيَتَابِعِ وَعَلَيْهِ الْفَتْوَى . كَذَّا فِي النَّتَارُخَانِيَّةِ فِي الْمُلَامِسَةِ الْفَاحِشَةِ لَا يُعْبَرُ اِنْتِشَارُ اللَّهِ الرَّجُلِ فِي اِنْتِقَاضِ طَهَارَةِ الْمَرْأَةِ . كَذَّا فِي الْفَتْيَةِ .

10. Removing the sperm from the vagina before performing Ghusl (ritual bath)

Fatwa No. : 91607

Fatwa Title : Removing the sperm from the vagina before performing Ghusl (ritual bath)

Fatwa Date : 27 Safar 1427 / 28-03-2006

Question

What is the method of performing Ghusl (a ritual bath) after having sex? Is it correct that a woman is obliged to insert her hand in her vagina in order to remove the sperm that remained at the beginning of the womb?

Fatwa

All perfect praise be to Allaah, The Lord of the Worlds. I testify that there is none worthy of worship except Allaah, and that Muhammad ﷺ is His slave and Messenger.

There are two kinds of Ghusl (a ritual bath): Obligatory and sufficient. For more details on these kinds of Ghusls, please refer to Fatwa [82245](#).

Furthermore, it is not an obligation for a woman to insert her hand in her vagina in order to remove the sperm that remained in it after sexual intercourse with her husband, as this is difficult. There is nothing that suggests this in Islamic legislation. Finally, it should be noted that the sperm that comes out of a woman's vagina after having a bath, does not necessitate her to perform Ghusl again. It only nullifies ablution.

Allaah Knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

11. Nocturnal emission or wet dream of a female

العمل في غسل الجنابة

خُسُلَ الْمَرْأَةِ إِذَا رَأَتْ فِي الْمَنَامِ مِثْلَ مَا يَرَى الرَّجُلُ (ص) : (مَالِكُ عَنْ أَبْنِ شَهَابٍ عَنْ عُرْوَةَ بْنِ الزَّبِيرِ { أَنَّ أَمَّ سَلِيمَ قَالَتْ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَرْأَةُ تَرَى فِي الْمَنَامِ مِثْلَ مَا يَرَى الرَّجُلُ اتَّعْصِلُ فَقَالَ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَعَمْ فَلَتَعْصِلُ فَقَالَتْ لَهَا عَائِشَةُ أَنْتَ لَكَ وَهُلْ تَرَى ذَلِكَ الْمَرْأَةَ فَقَالَ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَرَبَّتْ يَمِينُكَ وَمَنْ أَبْنِ يَكُونُ الشَّبَّةَ }) .

المنتقى شرح الموطأ

(ش) : قولهما { المرأة ثرى في المئام مثل ما يرى الرجل ثرید من الماء والاحتلام أتعسلاً فقال لها رسول الله صلى الله عليه وسلم نعم فلتتعسلاً } فأخبرها أن حكمها في ذلك الغسل حكم الرجل يرى ذلك { فقالت لها عائشة أفال على معنى التكاليف لقولها والاعتراض عليها لما أخبرت به عن النساء } قالت وهل ثرى ذلك المرأة { فقال لها رسول الله صلى الله عليه وسلم ثریت يمينك } قال عيسى بن دينار ما أراه يرید بذلك إلأ خيراً وما الماء الغنى فرأى أن ترب ليس من الماء بسييل وإنما هو من التراب . وقال ابن نافع معناه أضعف عفك أتجهلين هذا وقد قيل أن معناه افترضت يدك من العلم ومعناه على هذا والله أعلم إذ جهلت مثل هذا فقد قل حظك من العلم وهو معنى قول ابن كيسان . وقال الأصم معناه الحض على تعلم مثل هذا كما تقول أنج شكلك أملك لاي يريد أن تشك و قال أبو عمر معنى افترضت من التراب الذي هو الشج و قال هي لغة القبط صيروا النساء ثاءة حتى جرى على السنة العرب كما أبدلوا من النساء فاء والظاهر أن النبي صلى الله عليه وسلم خاطبها على عادة العرب في خطابها وهم يستعملون هذه اللقطة عند التكاليف لمن لا يريدون فقرة وإن كان معناها افترضت يدك يقال ترب فلان إذا افترض فلصق بالتراب وأثرب إذا استغنى صار مالة كالتراب كثرة و يحتمل أن يفعل ذلك بعائشة على وجه التأديب لها للتكاليف ما أقر عليه وهو لا يقر إلأ على الصواب . وقد روي عن النبي صلى الله عليه وسلم أنه قال { اللهم فلما مؤمن سببته فاجعل ذلك له فرجنة إليك يوم القيمة } فلما يمتنع على هذه القوال أن يقول ذلك لها النبي صلى الله عليه وسلم لتوهجر وليرك بها ما قالته لام سليم وروى حبيب عن مالك ثریت يمعنى خسرت وهو يمعنى ما فدنته وقيل معناه امتننت تراباً والله أعلم . (فصل) : وقوله { من أين يكون الشيبة } يريد شبه البين للأحد أبويه أو لقاريء منه ويعنى ذلك أن للمرأة ماء تدفعه عند اللذة الكبرى كما للرجل ماء يدفعه عند اللذة الكبرى فإذا سبق ماء الرجل ماء المرأة خرج الولد يشبه عمومته وإذا سبق ماء المرأة خرج الولد يشبه خولته . (ص) : (مالك عن هشام بن عروة عن أبيه عن زينب بنت أبي سلمة عن أم سلمة زوج النبي صلى الله عليه وسلم أنها قال { جاءت أم سليم امرأ أبي طلحة الانصاري إلى رسول الله صلى الله عليه وسلم فقالت يا رسول الله إن الله لا يسْتَحْيِي من الحق هل على المرأة من غسل إذا هي احتلمت فقال نعم إذا رأت الماء } . (ش) : قولهما يا رسول الله إن الله لا يسْتَحْيِي من الحق يحملن أن ثرید بذلك لا يأمر أن يسْتَحْيِي من الحق و يحتمل أن ثرید به لا يمتنع من ذكره امتناع المستحي وإنما فدمت ذلك بين يدي قولهما لما احتاجت إليه من السؤال عن أمر يسْتَحْيِي النساء من ذكره ولم يكن لها بد منه لائمه من أهم أمر دينها ففديت هذا من قولهما يمعنى الله وإن كان أمراً يسْتَحْيِي منه إلى الله حق واجب يلزم النساء السؤال عنه والتوصيل إلى علمه . وقد روي عن عائشة أنها قالت نعم النساء نساء الانصار لم يمنعهن الحياة أن ينفعن في الدين . (فصل) : وقولها هل على المرأة من غسل إذا هي احتلمت ثرید هل يلزمها غسل كما يلزم الرجال من الاحتلام فقال نعم إذا رأت الماء يريد الماء الدافع عند اللذة الكبرى وما يخرج من الرجل على هذا الوجه هو المعني بتشديد اليماء وذلك أن

الاحتلام منه ما يكون معه النزال ف يجب به الغسل و منه ما لا يكون معه النزال ف لا يجب به الغسل ف ذلك بين لها و فرق بين المرين . (مساله) : و ماء المرأة مختلف لماء الرجل أبيض خاتر رائحة الطلع و ماء المرأة رقيق أصفر .

12. My wife played with my penis (or I did it myself). I felt my penis getting hard and could feel a sensation that sperm has most likely been released from the scrotal sack into the veins of the penis. I thus put my mind off sex in order not to release sperm from my penis. Do I still have to make ghusl?

المحلى بالآثار
علي بن أحمد بن سعيد بن خزم
الظاهري
كتاب الطهارة
الأشياء الموجبة غسل الجسد كله

قال علي : وهذا ليس كما قالوا بل ما الغسل إلا من ظهور الجابة لقوله عليه السلام : { إذا رأت الماء } ولو أن امرأ اللذ بالذكر حتي أيقن أن المني قد صار في المثانة ولم يظهر ما وجَب عليه غسل ، لأنه ليس جنبا بعد ، ومن ادعى عليه وجوب الغسل فعليه البرهان من القرآن أو السنة . فain قيل : قد روي نحو قول مالك عن علي وابن عباس وعطاء . قلنا : لما حجة في قول أحد دون رسول الله صلى الله عليه وسلم وقد صح عن علي وابن عباس وابن الزبير إيجاب الغسل على المستحاصنة لكتل صناء ، فلم يأخذ بذلك مالك ولا أبو حبيقة ، ومن الباطل أن يكون علي وابن عباس رضي الله عنهمما حجة في مساله غير حجة في أخرى . وبالله تعالى التوفيق

13. If a female has an orgasm without intercourse

If a female has an orgasm without intercourse, is she required to perform ghusl before she can say her prayers?

Praise be to Allaah.

If maniy (fluid emitted at the point of climax) comes out of a woman without intercourse, she has to do ghusl. The Prophet (peace and blessings of Allaah be upon him) commanded women to do ghusl if they notice water (fluid), as was reported by Maalik in al-Muwatta' (1/51), and by al-Bukhaari (282) and al-Nasaa'i (1/114) from Umm Salamat (may Allaah be pleased with her) who said: Umm Sulaim, the wife of Abu Talhah, came to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said, "O Messenger of Allaah, Allaah is not too shy to tell the truth. Does a woman have to do ghusl if she has an (erotic) dream?" He said, "Yes, if she sees water (fluid)." In this hadeeth, he (peace and blessings of Allaah be upon him) commanded women to do ghusl if they see water, i.e., maniy.

Al-Baghawi said in Sharh al-Sunnah (2/9): Ghusl for janaabah (impurity following sexual activity) is waajib (obligatory) if either of the following applies: either the tip of the penis penetrates the vagina, or the gushing liquid is emitted by the man or the woman... The scholars said that ghusl does not become obligatory unless one is sure that what one feels of wetness comes from the gushing liquid.

Ibn Qudaamah said in al-Mughni (1/200): The Prophet (peace and blessings of Allaah be upon him) connected doing ghusl to seeing (the fluid) when he said: "If you see the water and if the water gushed out , then do ghusl." The ruling does not apply otherwise.

Ibn Hajar said in al-Fath (1/389): This indicates that ghusl is obligatory for women, if they emit fluid at the point of climax.

Ibn Rajab said in al-Fath (1/338): This hadeeth indicates that if a woman sees an (erotic) dream and notices the fluid when she wakes up, she has to do ghusl. This was the view of the majority of scholars and no dissenting view is known except for that of al-Nakha'i, who is the odd one out.

This hadeeth of the Prophet (peace and blessings of Allaah be upon him) makes the matter quite clear, which is that if any fluid is emitted by the woman – whether it is a little or a lot – then she has to do ghusl.

On the basis of the above, if a woman feels that some fluid has come out of her vagina, even if it is only a little, then she has to do ghusl, because of the report to that effect. It is not sufficient for her to do wudoo' in this case unless the fluid which was emitted was not the kind of fluid for which ghusl is required, such as madhiy (lubricating secretion) etc., in which case wudoo' is sufficient. And Allaah knows best.

Islam Q&A

Sheikh Muhammed Salih Al-Munajjid

Sexual rights

1. Sexual rights when having more than one wife

Malik : Book 2 : Hadith 2.23.90

Malik was asked whether a man who had women and slavegirls could have intercourse with all of them before he did ghusl. He said, "There is no harm in a man having intercourse with two of his slave girls before he does ghusl. It is disapproved of, however, to go to a freewoman on another's day. There is no harm in making love first to one slave girl and then to another when one is junub."

The above was the view of Imam Maalik.

The following hadith is given in Bukhari

Volume 1, Book 5, Number 268:

Narrated by Qatada:

Anas bin Malik said, "The Prophet used to visit all his wives in a round, during the day and night and they were eleven in number." I asked Anas, "Had the Prophet the strength for it?" Anas replied, "We used to say that the Prophet was given the strength of thirty (men)." And Sa'id said on the authority of Qatada that Anas had told him about nine wives only (not eleven).

We learn the following from it

1. The strength and power of any Nabi should not be compared to normal human beings. The Sahabah also accepted that Nabi SAW's strength to serve his wives was a divinely given ability. Human strength is not to be always measured in terms of our normal biological and physical bodies.

2. This hadith does not mean "Na oozubillah" (We seek Allah's refuge) that Nabi SAW was sex crazy or that he had to have sex with many women.

3. Since he had numerous wives, he fulfilled all their rights. He also fulfilled these rights in terms of the days he stayed with each of them. Likewise, he also had the right to sex with any of them whenever he required to do so. He thus sometimes successively had sex with all his wives since this did not terminate his energy or his ability to fulfil the sexual rights of any one of his wives.

This hadith also teaches us that when a man has more than one wife, then although his time be allocated to living with a specific wife on any day, he is allowed to have sex with any other wife of his on that very same day if he has the ability to do so.

This hadith does not detract the character of Nabi SAW. Rather, it emphasizes his human nature and his human need to also have intercourse. It does not mean that since he is a Nabi, he cannot have intercourse or that some of his private sexual activity remain unknown. Rather, his activity is a teaching to us.

Other ahadith in this regard also teach us that when you have two wives and have sex with both of them, one shortly after the other, then it is allowable to have sex with the second without having made ghusl after having intercourse with the first wife.

Also, this hadith indicatively teaches us, after amalgamation of other rules relating to women seeing the Awrah of other women, etc, about the impermissibility of having sex with more than one woman at the same time in a single room. Thus, the allowance for more than one wife does not imply that you can engage in sexual activity or sleep with both wives together at the same time in one location. Such an act would be immoral. This type of sexual conduct is termed as "Threesome" in contemporary sexual literature and terminology, and is unfortunately done by some Muslims when they engage in Zina.

All the ahaadith in Bukhari are absolutely authentic. Some ahadith may not be applied by other Madhahib due to technical differences in the format of interpretation as well as due to the existence of other equally authentic ahaadith that were reported by other Sahabah.

Ustadh, Ahmed Fazel Ebrahim

2. Can she refuse her husband's request for intercourse if she knows that he will miss Fajr prayer?

Question

I know that a woman is cursed by all the angels of the paradise if she refuses an intimate relation when her husband orders her. However, can she refuse when the act of sex would lead to a major sin, e.g. for example she is afraid that her husband does not purify himself before the prayer of fajr, or that he drags this state of impurity after an hour after a fixed prayer time? If she makes love with him but that knows that he will then sin by not making salaah, would she also be considered as sinning? What do you advise in such a case?

Answer:

Praise be to Allaah.

Falling short in performing the obligatory prayers and delaying them until the time for them is over is a major sin, and the one who does that habitually and takes the matter lightly is in grave danger. It will lead to his doom in the Hereafter and to his being a loser before Allaah.

The wife must also help her husband to obey Allaah and help him to avoid sins as much as possible, with kind words and beautiful exhortation, and by using the means that are prescribed in sharee'ah, not those that are forbidden.

If you can agree with your husband upon a time after which you will both be able to offer the prayer on time and regularly, then that is best.

Otherwise, you do not have to do anything other than advising him, and helping him to pray by dealing with him kindly and gently. If he responds, then praise be to Allaah, otherwise he is the one who will bear the sin, not you. It is not permissible for you to refuse to share his bed if you know that he is falling short. Every accountable person must bear the consequences of his actions, and will be asked about what his hands have earned – no one else.

Moreover, if there is something that keeps the husband from attending prayer in congregation, this is a sin, but it is less serious than his failing to offer the prayer at the proper time. The sin in that case is serious, if the person did it deliberately.

Whatever the case, we ask Allaah to guide you and accept your deeds, because we can see that you care about your and your husband's prayer. We ask Him to fill all the Muslims with love for Him and hope in Him and fear of His punishment.

And Allaah knows best.

Islam Q&A

Halaalah

1. My husband issued me three (3) talaaqs (Islamic forms of divorce). I went through the process of halaalah and stayed with my new husband for a few weeks but did not have sexual intercourse. Am I halaal to remarry my ex.

Sexual intercourse is a prerequisite for the Halaalah to be valid. You are not Halaal to marry your ex.

and Allah Ta'ala Knows Best

Mufti Ebrahim Desai

Notes by Ahmed Fazel:

Halaalah is a temporary marriage, and the male who marries for the purpose of sexual gratification void of the intention of a permanent nikah, as well as the ex-husband for whom this is done are both cursed on the blessed tongue of Rasulullah SAW.

All the Madhahib prohibit it. However, according to the Hanafi madhhab, if a marriage was done for such a purpose, the marriage, if consummated, would then have the effect of allowing the female to return to her previous husband with a new nikah after the Muhallil (second husband who consummates the marriage) divorces her. This is inferred from the linguistic implications of the word "Muwallil" and "Muwallil lahu". She then has to sit in the iddah of such a divorce.

According to another fiqh source, if such a marriage has been arranged for a man who desires to return to his ex-wife, and the latter fears that the person marrying her would not divorce her, then the lady marrying her must place a condition e.g. "the moment you have had sex once with me, I would be regarded as having been granted a single "talaq baa'in" (irrevocable divorce). Thus, the Muwallil will then not benefit from entertaining the idea of prolonging his sexual gratification; nor would he have the right to take her back in her iddah period.

We have heard cases of where the wife delights in such gratification and there could always be possibilities of this leading to another secret affair.

Very often, this becomes a matter of great social stigma when the matter becomes the talk of the community and the process of backbiting regarding the matter reaches phenomenal proportions. Both spouses then suffer the consequences of this matter.

2. The Maliki view relating to the essentiality of punishing persons who engage in Tahliel

مواهب الجليل في شرح مختصر الخليل
باب السكر

وقال في المسائل المأفوطة يلزم التغريب لمن سرق مالا قطع فيه ، والخلوة بالاجنبية وقطع المكابنة وتحو ذلك من الاستئناء وإثبات البهيمة وللثيمين العموس والغش في الأسواق والعمل بالرثيَا وشهادة الزور والتحليل وشهادة على نكاح السر و كذلك الزوجان والولي إلا أن يغدرُوا بجهلٍ فيجب على هؤلاء التغريب فقط

Contraceptives

1. The Morning After Pill

I have been under the impression that in Islam it is forbidden to use the morning after pill as it is an abortive method of birth control. A friend recently argued that it was not, and that it is permissible to use it. Could you please provide a detailed response as to what the majority of scholars say regarding this issue?

Answer

In the name of Allah, Most Compassionate, Most Merciful

The morning-after pill (emergency contraception) is estimated to prevent about 85% of pregnancies. It is thought to work by:

- a) Stopping the ovaries from releasing an egg,
- b) Preventing sperm from fertilizing any egg that may have already been released; or, (importantly)

c) Stopping a fertilized egg from attaching itself into the womb lining. (See: The official brochure of Schering Health Care Limited, manufacturers of Levonelle pills).

Other experts state:

Popularly dubbed the morning-after pill, the drug Levonelle can actually be taken up to 72 hours after intercourse. The 1861 Offences against the Person Act prohibits the supply of any poison or other noxious thing with intent to cause miscarriage. SPUCs argument is based on the fact that the drug stops an embryo from implanting in the lining of the womb. The organisation successfully applied last year for leave to bring a judicial review of the government's decision to reclassify the drug as suitable for over-the-counter sale. The court will be asked to consider ?what is the precise moment at which a woman becomes pregnant. Is it when the egg is fertilized, or when the resulting embryo is implanted in the womb? If it is the former, then the court could rule that emergency contraception causes a miscarriage and is illegal.?

From an Islamic perspective, temporary contraception is permitted in cases of individual needs as explained in earlier posts. The various methods of temporary and reversible contraception prevent the sperm from fertilizing the egg, hence they are permitted. However, if a particular method was to expel the fertilized ovum and prevent it from attaching itself into the womb lining, then the ruling would be somewhat different.

Shaykh Taqi Usmani (may Allah preserve him) states whilst discussing the employment of a loop as a means of contraception:

In the first case where the loop acts as a preventive measure against fertilization, it is similar to any other contraceptive and the rules regarding al-azl (withdrawal method & temporary contraception in general) may be applied to the loop also, i.e. its use is permissible in Shari'a in cases of individual needs, like the sickness or the weakness of the woman where pregnancy may endanger her health.

In the second case, however, (when fertilization takes place, and the fertilized ovum is expelled from the uterus by the loop), the rules of al-azl cannot be applied, because in that case it is not merely a preventive measure; rather, it expels the fertilized ovum from the uterus after conception. Therefore, it acts as a device to effect an abortion. Hence, the rules of abortion shall apply. As the loop expels the fertilized ovum within two weeks, its use cannot be held as prohibited totally. However, being a device of abortion, its use is not advisable and it should be restricted to the cases of the real medical needs only. (Contemporary Fatawa, P: 136-137)

In light of the above Fatwa, it becomes clear that if a reversible contraceptive device acts after the sperm has fertilized the egg and the device merely prevents a fertilized egg from implanting itself into the womb lining, then the ruling on employing such a contraceptive device would be different. The ruling on such contraceptive devices would be similar to that of carrying out an abortion at an earlier stage, which is impermissible unless there is a genuine and valid reason.

Therefore, the morning-after pill will have the same ruling as the loop, for it may work by stopping a fertilized egg from attaching itself into the womb, as mentioned

above.. Thus, the rules of an early abortion would apply in this case also; and hence it should only be used in extreme medical conditions.

In conclusion, the ruling on employing the loop, the morning-after pill or any other method that may act after the egg has been fertilized as a means of contraception is somewhat different to the general ruling on reversible contraception (al-azl). Reversible contraception is generally permitted if practised on an individual level, whilst employing any method that may prevent a fertilized egg from implanting itself into the womb will not be allowed except in certain medical conditions, for which one should consult a reliable scholar of knowledge and piety.

Selling the morning-after pill

As far as selling the morning after pill is concerned, one should keep in mind the juristic (fiqhi) principle which states:

Everything that it is possible to use in a permitted manner is lawful to sell (See: Radd al-Muhtar, 6/391)

Hence, it would be permitted (halal) to sell the various types of contraceptives including the morning-after pill, as they have legally permissible uses. The morning-after pill (as explained earlier) can be used in cases of medical need; hence, it would be permitted to sell it. It is analogous to selling a knife, in that one may use it to cut a fruit, but unfortunately it could be used to stab someone.

Thereafter, if it does end up being used unlawfully, the seller will not share the sin or blame, because that unlawful action was purely through the deliberate willful action of the purchaser, not because of ones selling. One does not even need to ask or investigate about why it is being used. Assume it is a lawful use.

However, if in a particular case, the seller was certain of it being used unlawfully, it would best be to avoid selling it to that particular individual.

And Allah knows best

Answered by Shaykh Muhammad ibn Adam al-Kawthari
Darul Iftaa, Leicester, UK

2. Is contraception permissible? Is it disliked? What is the better way?

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Answer

In the Name of Allah, Most Merciful and Compassionate

May Allah's peace and blessings be upon His Messenger Muhammad, his folk, companions, and followers

Contraception is permitted. However, it is superior not to engage in contraception without genuine reason or benefit, because the Qur'an and Sunna have encouraged having children, and there is great benefit to the individual and society in raising righteous children.

Allama Jad al-Haqq (Allah have mercy on him), the pious late 20th Century Shaykh al-Azhar, wrote in a fatwa dated 1399 AH (1979 CE), that:

1. Contraception is permitted if the husband and wife agree, as there is nothing in the Qur'an or Sunna to prohibit it; rather, the hadiths and practice of the Companions of the Prophet (peace and blessings be upon him) indicate permissibility, and this is confirmed by the words of the jurists across the schools of Islamic law.
2. It is not permitted to engage in contraception without the agreement of the spouse--for both husband and wife.
2. Contemporary forms of contraception, whether used by the husband or the wife, are akin to the *'azl* (ejaculating outside the vagina) mentioned in the hadiths, as is explicitly understood from the words of the jurists of the Hanafi and other schools. Rather, they are superior, more natural, and less harmful.
3. It is not permitted to use irreversible contraception--such as sterilization.
4. It is not permitted for there to be state-imposed forcible population planning. [Summarized from Jad al-Haqq's fatwa, from *Mawsu 'at Fatawa Dar al-Ifta' al-Masriyya*]

Other contemporary fuqaha state likewise.

While some texts indicate that it is somewhat disliked (*makruh tanzihan*) to do so, this is not what most of the major jurists of the Hanafi school state. Even jurists who stated that it is disliked mentioned that if there is a sound reason or benefit to engage in contraception then it is not disliked. In our times, this would include reasons such as having a manageable family size, when one does not have the support of extended families in raising the children; the desire to give the children the attention, education, and support they need in difficult times; genuine (physical or emotional) health reasons, and so on.

However, we understand at the same time that one of the purposes (*maqasid*) and wisdoms of marriage is to have children, as mentioned by Imam Ghazali in his *Ihya' Ulum al-Din*.

The Qur'an and Sunna of the Beloved Messenger of Allah (peace and blessings be upon him) have encouraged having children. There is great benefit to the individual and society in having children. Not only does having righteous children maintain healthy communities and societies, but it also teaches humanity: few things are more effective in teaching good character, mercy, compassion, and true love as having children does.

This is why the Messenger of Allah (peace and blessings be upon him) said, "Marry and multiply." [Abu Dawud and Nasa'i]

Regarding the Permissibility of Contraception

Sayyiduna Jabir ibn Abd Allah (Allah be pleased with him), the notable Companion of the Messenger of Allah (peace and blessings be upon him) relates that,

"We used to engage in contraception ('azl) while the Qur'an was being revealed. Had it been something that was interdicted, the Qur'an would have forbidden it." [Bukhari (5209); Muslim (4220)]

Kāsani (Allah have mercy on him) states in *Bada'i` al-Sana'i`* (2.334-335),

"It is disliked to engage in contraception ('azl, preventative ejaculation) with one's wife without her permission. This is because intercourse with ejaculation is the means to having a child, and having a child is her right. By resorting to contraception [without her permission], having a child is prevented, which is akin to being a reason for not fulfilling her right."

However, if the contraception was with the wife's agreement (rida), then it is not disliked. In such a case, she will have willingly forgone her right."

This is also mentioned by Marghinani in *al-Hidaya*, and Nasafi in *Kanz al-Daqa'iq*. Zayla'i confirms this in his commentary on *Kanz al-Daqa'iq*. [*Tabyin al-Haqa'iq Sharh Kanz al-Daqa'iq*, 6.21]

Ibn Taymiyya (Allah have mercy on him) and others relate that the permissibility of contraception with the wife's permission is agreed upon by the four schools of Sunni Islam. [*al-Fatawa al-Kubra*, 2.101]

Ibn Nujaym (Allah have mercy on him) says in *al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq*,

"The permissibility of contraception ('azl) is the position of the generality of scholars, because of the [abovementioned] hadith in Bukhari..." [3.214]

Is Contraception Disliked, Though?

Ibn Nujaym then quotes Ibn al-Humam (Allah have mercy on him), who mentioned in his magnificent commentary on *al-Hidaya*, *Fath al-Qadir*, that some scholars of the Hanafi school considered contraception to be permitted yet disliked, while others did not consider it disliked. [*ibid.*]

Mulla Khusro, the great Ottoman master jurist, said in *al-Durar*, that it is permitted to engage in contraception. He does not state that it is disliked. [1.315] Shurunbulali (Allah have mercy on him) does likewise in his marginal commentary, *al-Shurunbulaliyya*. In fact, he relates that some scholars permitted it even without permission because of the bad times.

The *Fatawa Hindiyah*, compiled by some of the greatest jurists of Moghul India under commission from the righteous Sultan Aurangzeb, explicitly negates that it is disliked by stating,

"Contraception is not disliked with the wife's permission... " [1.315]

This is also what Haskafi relates in *al-Durr al-Mukhtar*, and is confirmed by the words of Ibn Abidin in his marginal commentary (hashiya), *Radd al-Muhtar*.

And Allah alone gives success.

Faraz Rabbani

قال سلطان العلماء الكاساني في بداع الصنائع: (334-335) ويكره للزوج أن يعزل عن امرأته الحرة بغير رضاها ; لأن الوطء عن إنزال سبب لحصول الولد ، ولها في الولد حق ، وبالعزل يفوت الولد ، فكانه سبب لفوات حقها ، وإن كان العزل برضاه لا يكره ; لأنها رضيت بفوائط حقها في الفتاوی الهندیة : العزل ليس بمکروه برضاه امرأته الحرة أو برضاه مولی امرأته الأمة وفی الأمة المملوکة بغير رضاها . قالوا وكذلك المرأة يسعها أن تعالج لإسقاط الحبل ما لم يستتبن شيء من خلقه

Sex during pregnancy

1. Conjugal relations during pregnancy

Can you explain if Islam allows sex while the wife is pregnant? If yes, up to which month of the pregnancy is it allowed?

Answer

It is perfectly fine for a couple to continue having intercourse right up until the final days before child birth, provided sound medical advice is not neglected. No sacred injunction is violated in having intercourse during pregnancy.

And Allah knows best.

Answered by Mufti Yusuf Mullan

2. Relations with one's wife whilst she is pregnant

Question:

In a book printed and translated by Darul Ishaat called "The wisdom Behind the Command of Islam" by Shaykh Muhammad Ashraf Ali Thanvi. In the section - The reason a man may marry more than one wife - it is mentioned on p.219 that "The reason sexual intercourse must not be had with a pregnant wife is, besides the likelihood of miscarriage, the sensual behaviour of the parents will be reflected on the child in the womb and when he is born he might grow up to be immoral. The child in the womb surely gets the influence of its parent's sexual excitement and that become part of his nature.: Is this undesirability of cohabiting with one's wife whilst pregnant merely from a (proven) medical point of view, or is it a ruling from the Shari'ah?

Answer:



In the name of Allah, Most Compassionate, Most Merciful,

Engaging in sexual intercourse and cohabiting with ones wife while she is pregnant is perfectly permissible from an Islamic perspective.

Sayyiduna Sad ibn Waqqas (Allah be pleased with him) reports that a man came to the Messenger of Allah (Allah bless him & give him peace) and said: I practice coitus interruptus (withdrawal method) with my wife. The Messenger of Allah (Sallallahu Alayhi Wasallam) inquired: Why do you do that? He replied: A man is more apprehensive regarding his child. The Messenger of Allah (Allah bless him & give peace) said: If this was harmful then it would have been harmful to the Persians and Romans (Sahih Muslim).

The great Hanafi scholar, Mulla Ali al-Qari (Allah have mercy on him) states in the explanation of this Hadith in his famous treatise *Mirqat*:

The statement “A man is more apprehensive regarding his child” is referring to the child in the stomach of the wife. Meaning, so that she does not conceive again, thus have twins, which will be a cause of both becoming weak. Or it refers to the child she is breast feeding, meaning sexual intercourse is harmful to the suckling child.

The statement of the Messenger of Allah (Allah bless him & give him peace) “If this was harmful?” means, if sexual intercourse was harmful during the period of breastfeeding or when the woman is pregnant. (*Mirqat al-Mafa?tih*, 6/238).

From the above, one may conclude that Islamically there is nothing wrong in sexual relations during pregnancy.

What if there is harm?

However, many scholars have stated that if a particular woman is advised by a physician that it is harmful for the child or herself that she engages in sexual intercourse, then it should be avoided.

Also, the husband should ensure that he is gentle and tender with his wife during the act of intercourse. He should avoid positions that may cause discomfort to the pregnant wife, especially in the last few months of the pregnancy, when the wife can become tired and exhausted very easily. (Ahmad Kan'an, *Usul al-Mua'sharah al-Zawjiyyah*, p.79).

And Allah knows best

Answered by Shaykh Muhammad ibn Adam al-Kawthari UK

1. Having trouble consummating my marriage...

I got married about seven months ago. My husband and I have never consummated the marriage because I just can't bring myself to do it. I have deep-rooted fears of pain and embarrassment. He is very understanding and every so often we try but we don't get very far. I just don't feel like doing it. Is my marriage invalid? Is it wrong for me to deny this to my husband? What should we do?

Answer:

This does not affect the legal validity of your marriage in any way.

Allah has blessed you with an understanding husband. Be thankful to Allah for this.

As for consummating the marriage and having a fulfilling sexual life, this is something that needs to be dealt with sensitively. It may be best to seek counselling for this matter: as you realize, sexual desires are as human as the need for food, and marriage is meant to enable both spouses to fulfil these desires in a wholesome manner. If they remain unfulfilled, it can cause great damage to the marriage.

After each prayer, make heart-felt private dua to Allah that He make this matter easy for you. Consider it an expression of your love for your husband, a fulfilment of your duty as a wife, as determined by Allah out of His Wisdom, and a means of emotional and physical self-fulfilment.

Be convinced that it is not difficult: everyone married goes through this, and it is meant to be something pleasurable, not painful. Especially given that Allah has granted you a loving and understanding husband, gradual yet sure steps towards consummation will mean that you experience fulfilment rather than frustration, and pleasure rather than pain.

And Allah alone gives success.

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Notes by A F Ebrahim

The issue of pain is natural to some degree depending on the format of intercourse and the time taken to open a female's virginity. However, this is very short lived and limited. Thereafter it only becomes pleasurable.

In so far as embarrassment is concerned, This is, for married persons, a Halaal act that is encouraged in the sunnah for procreation as well as for serving the human biological need for sex. Without it, not even you would have been born. It would be natural for a female who grows up in an environment or home with morality to have this great inner sense of preserving her dignity and sense of respect. However, having sex in a Halaal situation is not at all against such dignity. In a marriage situation, it helps to preserve your dignity further. It is naturally known that marriage would entail engagement with sex, if your fear of experiencing pain or feelings of embarrassment were to extreme levels you would not even want to have been married, but the fact that you accepted to marry is indicative of your inner willingness to taste of these joys of marriage. You should thus liberate your mind and slowly give in towards sharing

the experience since the misery of waiting for the event of consummation may continue for a long while and would not allow your husband to gain his lawful right of fulfilment

Sometimes, the levels of sexual repression within given types of families could instill a high level of negativity towards sexual activity, and this historical background requires to be re-adjusted towards a normal understand of human sexuality.

2. My Husband Has Not Consummated Our Marriage For Ten Years?

My friend has been married for the last ten years. Her husband has never consummated their marriage. He told her very early on in their marriage that he could not have any relations with her due to psychological problems. The wife suspected him of being more interested in men but never found concrete proof of him being gay or having a relationship with a man.

Answer:



In the Name of Allah, Most Gracious, Most Merciful,

Praise be to Allah. May the peace and blessings of Allah shower upon our Beloved Messenger, his family, companions, and those who follow them.

Dear Sister,

Please go to a reliable scholar immediately. This situation is extremely serious and highly irregular. I am afraid that I cannot further comment on the situation except to say that you most definitely have grounds for a khul' divorce.

From the beginning of the marriage, the right of sexual intercourse was taken from you. When your husband fails to give you the most basic of your rights, you have grounds for divorce. However, since you have subjected yourself to artificial insemination, the circumstances of your marriage have been complicated. Please go talk to a qualified Islamic scholar. Additionally, you and your husband should also seek the help of a qualified family psychologist.

May Allah make things easy for you and give you peace.

Answered by Ustadha Zaynab Ansari, SunniPath Academy Teacher
Umm Salah (Zaynab Ansari)

Notes by Ahmed Fazel

Since the response entails details not included in the question (e.g. the artificial insemination) we assume that although the full details of the case have not been disclosed, the female may or may not be having a child due to the artificial insemination.

However, this would prevent her from seeking a divorce on the grounds of her husband's impotency. Also, the divorce would not be limited to the Khulah format.

The marriage could be terminated by an Annulment (Faskh) process if she (As the wife) seeks an annulment. This then implies that she hopes to be eventually married to someone who would also fulfil her sexual needs.

Although I do not deny the benefit of advice from a psychologist, but since the latter category of professionals are generally trained through a Kufr based educational framework that is void of Islamic ethics, rules and perspectives, it is essential to subject such advice to the scrutiny of good or qualified Islamic scholarship.

3. Wife is unwilling to consummate

I have recently gotten married, however I have not consummated my marriage. Is my marriage still valid? What shall I do? I feel that my wife does not wish to have intercourse.

Answer:



In the Name of Allah, Most Gracious, Most Merciful.

Praise be to Allah. May the peace and blessings of Allah shower upon our Beloved Messenger, his family, companions, and those who follow them.

Dear Brother,

Your marriage is still valid. However, your wife's lack of interest in intercourse is something which both of you should address. This is a sensitive topic, and because I don't know exactly why your wife has not consummated the marriage with you, I can only give you general advice.

I know that your feelings may be hurt, but please try to avoid arguing with your wife. Instead, why don't you sit down with her and gently and tactfully broach the subject. Ask your wife what you can do to set her at ease so that you can proceed with marital intimacy. Ask her what's on her mind. Find out what her concerns are. Some Muslim women, especially if they come from certain cultural backgrounds, may go into marriage not knowing very much at all about physical intimacy. Your wife may be feeling embarrassed, or uncomfortable, or she may even fear that she will be hurt in the process. Your job is to allay her fears and assure her that you will be kind, loving, and gentle.

Try to spend as much alone time as you can with your wife. You don't necessarily have to talk about this particular situation all the time. Just try to foster intimate, loving communication with her, and insha'Allah, she may be receptive to other things. Try to do things that she finds relaxing, whether it's going somewhere nice together, spending a quiet evening at home, or whatever you think she might find enjoyable. And keep in mind that it's always important for a husband and wife to pray and remember Allah together. This can also bring you closer.

If none of the above works for you and your wife still avoids intimacy, then it is time for you to take your wife to a marriage counsellor. Your wife might have some deeper

concerns that would best be addressed by a professional counsellor. Whatever the case may be, remain patient and ask Allah to open your wife's heart to you.

And Allah knows best. And Allah alone gives success.

Answered by Ustadha Zaynab Ansari, SunniPath Academy Teacher

Umm Salah (Zaynab Ansari)

Sex Toys

1. Aides for Bedroom Relations

Answered by Shaykh Muhammad ibn Adam al-Kawthari

Question:

Answer:



In the name of Allah, Most Compassionate, Most Merciful,

Sexual relations between the spouses are vital and one of the most important aspects of marriage. It purifies and prevents one from falling into fornication and the unlawful. As such, the spouses may fulfil their sexual needs in any way they desire as long as it does not violate any injunction of Shariah.

Islam also generally abstained from placing many restrictions with regards to bedroom behaviour; rather (with the exception of certain harmful and unhealthy practices) it left it to the spouses as how they should enjoy one another in their sexual relations.

From the various forms of pleasing one another, the usage of sex toys/aids, such as vibrators, dildos, lubricants, etc have become (or is becoming) a common phenomenon. Islamically, there is nothing wrong in using such toys provided two conditions are met:

- 1) The toy must not be harmful in any way to the spouses, for inflicting harm upon yourself is unlawful.
- 2) The toy must not have an animate figure to it.

If the above two conditions are taken care of coupled with the permission and consent of the spouse, there seems no hindrance from employing such toys.

And Allah knows best

Muhammad ibn Adam al-Kawthari

Darul Iftaa, Leicester, UK

www.daruliftaa.org

Notes by AF Ebrahim

1. Jurists of the four main schools who have allowed spouses to pleasure each other via masturbation have given this allowance on the basis of inference from a Quranic verse which permits the spouses to enjoy the private organs of each other. The verse indicatively and primarily refers to the actual act of sex where the male's penis is inserted into his wife's vagina.

Although they have extended the general nature of the verse to refer to an allowance to masturbate each other, with the exception that a man cannot masturbate his wife during her menses, we do not find in classical literature any detail of the Sahabah engaging in masturbating their spouses.

Vibrators (for females) dildos etc are external tools generally used by females to masturbate either alone or before others. Where females use such aids to gain sexual pleasure, and do so by their own individual action (e.g. where she uses her own hands to thrust a dildo in and out of her vagina) or automatically (via the inner electronic operation of a female vibrator), immaterial whether it be done before their husbands, it is equivalent to self masturbation and prohibited.

Whether, such toys are allowable through mutual action is questionable and doubtful. The above fatwa gives an allowance for a man to masturbate his wife via a dildo possibly on the basis of inferring that if he is allowed to do so by his own fingers why can't he do so on the basis of an external instrument against which there is no clear prohibition in the case when he himself, as her husband, becomes an agent in the process of providing pleasure. The argument I present against this is that the usage of such a tool, though done via the agent of a spouse does not comply to the instructions of the Quranic verse used to infer the allowance for spouses to enjoy each other since it refers to the direct persons and does not refer, in any sense, to the usage of any external instrument in the gaining of such pleasure.

2. The second condition stated hereabove has no bearing to the actual fatwa since the issue of animate pictures or forms on any surface or object is secondary to the fatwa at hand. It is stupid to say a man can masturbate his wife via a dildo if it has no animate objects designed on its surface but cannot pleasure his wife with a dildo if the dildo has an imprint of any animate object.

3. The above fatwa also freely allows the use of lubricants, which undoubtedly is beneficial for the spouses to use in order to ease and facilitate the motion of the penis within the vagina. The functional role of such lubricants also enables, depending on the ingredients thereof, the female to gain further pleasure or allows her to engage in sex without being fully ready in a biological sense to engage in the act of sex.

If the Shariah has prohibited us from consuming Haraam, it does not mean that inserting alcohol in a person's anus would thus be allowed because it would not be equivalent to drinking it. Lubricants placed over the penis or inserted around the vagina are chemically formulated not to harm the vagina since the act of sex would naturally demand that these lubricants would enter the vagina immaterial whether the male uses a condom or not. It is thus my view that unless you are guaranteed of the halaal nature of the ingredients of such lubricants, these should not be utilized. Rather use petroleum jellies or other such lubricants which may provide less pleasure and sensation but would ensure that no Haraam ingredient is allowed to enter the female vagina.

2. RE: Aides for Bedroom Relations: Can these be used alone?

Can these "aides" or sex toys such as vibrators be used alone to alleviate one's loneliness?

Answer:



No, this would be considered a form of masturbation, which is unlawful (haram) and sinful, being considered a form of zina.

[see below]

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

3. Sex Instruments

Fatwa No. : 82945

Fatwa Title : Use of sex instruments

Fatwa Date : 19 Rabee' Al-Awwal 1422 / 11-06-2001
Question

It is allowed to use sex instruments in Islam like Penis (vibrators and other sex instruments) for single woman and man?

Fatwa

Praise be to Allah, the Lord of the Worlds; and blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

According to Sharia it is unlawful, for the Muslim to use these instruments. Their users are contradicting the correct Fitra (human beings' natural predispositions) and going beyond what Allah has made lawful to them. Allah Says (interpretation of meaning): {And those who guard their chastity (i.e. private parts, from illegal sexual acts). Except from their wives or (the captives and slaves) that their right hands possess, for then, they are free from blame; But whoever seeks beyond that, then those are the transgressors;}[23:5-7].

Such instruments have a very bad side affect on the person using them. It makes the person lose interest in the opposite sex and this is against the natural law of the cosmos and it can lead to disaster. Allah Says (interpretation of meaning): {And that He (Allâh) creates the pairs, male and female, from Nutfah (drops of semen male and female discharges) when it is emitted;}[53:45-46].

The use of vibrators and similar sexual instruments causes defects to the genital parts of their user. We advise whoever can not marry to avoid Haraam (forbidden) means as they can never be a cure. We advise him/her to apply the Shariah remedy to sexual desire that is fasting, lowering the gaze and abiding by what Allah has prescribed and avoiding what He has forbidden.

Allah knows best.

Fatwa answered by: The Fatwa Centre at Islamweb

Fatwa No. : 87620
 Fatwa Title : Permissibility of Muslims using sex toys and selling them
 Fatwa Date : 06 Rabee' Al-Awwal 1425 / 26-04-2004

Question

1) Is it permissible for a married couple to use certain objects (like sex toys) in their sexual relations? Please include any possible difference between the individual usage and the usage by the couple together!

2) Is it permissible for Muslims to do business in these objects, e.g. women selling these products to women only, or men to men only? Of course, there could be a problem concerning the shapes and possible pictures!

Fatwa

Praise be to Allah, the Lord of the Worlds; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

It is not permissible for a man or a woman to use sexual toys, because this is considered as masturbation, and worse than masturbation. A Fatwa has already been issued in this regard. Please refer to Fatwa: [82410](#).

Anyway, if these toys are used individually, or it is the husband who is using them with his wife or vice versa, it is not permissible. And it is not permissible at all to buy or sell these toys, because it is a way of helping in Haram things. Allah Says (interpretation of meaning): {...but do not help one another in sin and transgression....}[5:2].

If these toys represent or contain a picture (photographs) of living beings, they are Haram, as they are statues. A Fatwa about statues and photography has been issued. Please refer to Fatwa: [83314](#)

So, this ruling applies to using sex toys to achieve ejaculation. If they are used for other purposes, we cannot give a ruling until we know the details.

Allah knows best.

Fatwa answered by: The Fatwa Center at Islamweb

4. Sex Dolls

Fatwa No. : 85010
 Fatwa Title : Sex dolls
 Fatwa Date : 07 Sha'baan 1423 / 14-10-2002

Question

I'm 23, single; and studying in the UK. I have been in the UK for 5 years and, thank God, I didn't do any sins (drinking or Zina). I wanted to ask if sex dolls are Haram, because it is really difficult living here without a partner, and I don't want to get married until I finish my study and start working.

Fatwa

Praise be to Allah, the Lord of the World; and may His blessings and peace be upon our Prophet Muhammad and upon all his Family and Companions.

Allah, the Exalted, Says: {And those who guard their chastity (i.e. private parts, from illegal sexual acts) Except from their wives or (the captives and slaves) that their right hands possess, for then, they are free from blame; But whoever seeks beyond that, then those are the transgressors;} [23: 5-7].

Imam **al-Shanqiti** (may Allah's Mercy be upon him), while commenting on the above verse in his book *Adwaa al-Bayaan*, said: 'Allah has stated that those who guard their chastity, i.e. from committing illegal sex as Zina and sodomy and so on are the true successful believers. He also stated that guarding one's chastity does not prevent him from taking pleasures with his wife or his concubine (woman slave) and he is not to be blamed since this is his right according the contract of marriage or possession in case of concubine. But, whoever seeks pleasure in other channels and means, i.e. not in marriage or concubine, he is considered sinful and transgressor who transgresses the Divine Limitations' .

Therefore, we state that it is Haram to use "sex dolls" for enjoyment and one has to guard his private parts except from his wife or what he possesses of woman slave.

Allah knows best.

Fatwa answered by: The Fatwa Center at Islamweb

Bondage

Spouse's fantasies (bondage etc) about intimacy

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Question:

My spouse has sexual fantasies (for example with bondage and chastity belts and stuff). Are such things permitted?

Answer:



Walaikum assalam wa rahmatullah,

In the Name of Allah, Most Merciful and Compassionate

May Allah's peace and blessings be upon His Messenger Muhammad, his folk, companions, and followers

The basis of marital relations is that they are to be lived "in a good way" (bi'l ma'ruf), as Allah tells us in the Qur'an. Each spouse strives to give the other their rights--including the fulfilment of their sexual needs--but within this paradigm of "in a good way."

The wife does not have to obey unreasonable sexual requests such as bondage or the use of sex toys. If she decides to agree to such matters--in a way that is not physically, emotionally, or relationally harmful nor demeaning or unbecoming of Allah's honoring of humans--then this is purely her own decision, and the husband does not have the right to "demand" such matters.

The sunna with disagreements and differences is not to dwell on them, but to find solutions that go beyond them to matters both parties agree upon. As the scholars mention, "In lawful and good matters there is a sufficiency from having to resort to the unlawful and dubious."

And Allah alone gives success.

Wassalam,

Faraz Rabbani

Phone Sex

1. Intimate conversations over the phone

Answered by Shaykh Faraz Rabbani, SunniPath Academy Teacher

Question:

Can a married couple have phone sex, as they are currently apart from each other due to immigration issues?

Answer:



In the Name of Allah, Most Merciful and Compassionate. May His blessings and peace be on His Beloved Prophet, the best of creation, and his family, companions, and followers

Walaikum assalam wa rahmatullah,

Such intimate talk is permitted between spouses when they are together or apart. However, caution is needed when apart (such as when this takes place over the phone or IM), because masturbation is prohibited and sinful.

Please go to www.SunniPath.com, and search for masturbation.

And Allah alone gives success.

Wassalam,

Faraz Rabbani

Note by A. F. Ebrahim

Phone sex is beyond intimate conversation. It is the mental stimulation of each others sexual feelings via usage of voice, sexual tones and sexual content in order to bring each other to sexual climax. Very often this not only involves mental thought of the organs and body of the opposite sex, but also entails self-masturbation in order to bring oneself to sexual climax.

Since it is impermissible for married persons to independently masturbate their own selves, phone sex will not be allowable. Even in the case where the partners are married and are such that they would not engage in masturbation, then also such conduct is prone to lead to masturbation and unethical speech.

Male potency enhancement

1. Shilajit

shilajit (shē-lǟ-jēt),

n Sanskrit name for asphaltum, a mineral used in Ayurveda as an analgesic, anti-inflammatory, antibacterial, cholagogic, diuretic, wound cleaner, expectorant, mild stimulation of bowel movements, expulsion of stones from kidney and bladder, respiratory stimulant, general health, asthma, cystitis, diabetes, dysuria, edema, epilepsy, hemorrhoids, insanity, jaundice, obesity, skin diseases, menstrual disorders, uterine contractions, paralysis, genitourinary diseases, enlarged spleen, digestive disorders, tuberculosis, hypertrophy, increased red blood cells, anorexia, bone fracture; precautions: increased uric acid count, febrile diseases. Also called *mineral pitch, vegetable asphalt, shilajita, guj, jews' pitch, kalmadam, perangyum, rel-yahudi, and silaras.*

Jonas: Mosby's Dictionary of Complementary and Alternative Medicine. (c) 2005, Elsevier.

The Hakims in India and Pakistan normally sell this

Birth Control

1. Using the birth control pill and the coil

Using the birth control pill and the coil

What is the shar'i ruling on using the coil (IUD – intrauterine device) as a means of preventing pregnancy, knowing that this means does

not prevent fertilization of the egg, but it prevents the embryo from attaching itself to the wall of the uterus? May Allaah reward you with good.

Praise be to Allaah.

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) said:

What the Muslims should do is to have as many children as they can, because this is the command issued by the Prophet (peace and blessings of Allaah be upon him) when he said, “Marry the one who is loving and fertile, for I will be proud of your great numbers.” Because increasing the number of children increases the size of the ummah, and being of great numbers is a source of pride, as Allaah said, reminding the Children of Israel of that (interpretation of the meaning):

“And We helped you with wealth and children and made you more numerous in man-power” [al-Israa’ 17:6]

And Shu’ayb said to his people:

“ ‘And remember when you were but few, and He multiplied you’”

[al-A’raaf 7:86 – interpretation of the meaning]

No one would deny that if the ummah is great in number this will lend it pride and strength. This is contrary to what is imagined by those who think evil thoughts, that the large numbers of the ummah is the cause of its poverty and hunger. If the ummah increases in number and relies on Allaah, and believes in His promise, in the aayah “And no moving (living) creature is there on earth but its provision is due from Allaah” [Hood 11:6 – interpretation of the meaning], then Allaah will make things easy for them and will grant them sufficient means from His Bounty.

On this basis, the answer to the question is as follows:

A woman should not use birth control **pills** unless the following two conditions are met:

(1) She should have a reason for that such as being sick and unable to bear a pregnancy every year, or being physically weak, or having other reasons why getting pregnant every year would be harmful for her.

(2) Her husband should give his permission, because the husband has the right to have children. This must also be done in consultation with a doctor, to find out whether taking these **pills** will be harmful to her or not.

If these two conditions are met, then it is OK for her to use these **pills**, but that should not be on a permanent basis, i.e., she should not use the type of birth control **pills** that prevent pregnancy permanently, because this is preventing progeny.

(Fataawa al-Mar’ah al-Muslimah, 2/657, 658)

Concerning the harms caused by contraception, the Shaykh (may Allaah have mercy on him) said:

Birth control **pills**: I have heard from a number of sources that doctors say they are harmful. Even if we do not know this from the doctors, we know it from ourselves, because preventing something natural that Allaah has created and decreed for the daughters of Adam is undoubtedly harmful. Allaah is Wise, and He has only created this blood which flows at certain times for a reason. If we prevent it with these medicines, that is harmful without a doubt.

But I have heard that the matter is worse than we imagine, that they may be a means of damaging the womb, and a means of causing nervous disorders. This is something we must beware of.

(*Liqaa' al-Baab al-Maftooh*, question no. 1147)

Shaykh 'Abd al-'Azeez ibn Baaz (may Allaah have mercy on him) was asked:

What is the ruling on removing the uterus in order to avoid having children for medical reasons which are either present, or may occur in the future and have been predicted by medical and scientific means?

He answered: if that is necessary, then it is OK, otherwise it should not be done, because the Lawgiver urges us to have children and promotes that in order to increase the size of the ummah. But if there is a necessary reason then it is OK, just as it is permissible to use means of contraception for a limited time for a legitimate shar'i reason. (9/434)

What is said concerning the birth control pill may also be said concerning the coil. It has been definitely proven by the doctors that this contraceptive method causes harm, especially when it is used continually. It is known that the woman who has a coil inserted has an increased flow of menstrual blood, and her period may come twice a month, which causes an iron deficiency in her body. Iron is one of the important minerals which the body needs. Some women may become anaemic when they use the coil and it makes their periods longer, resulting in the woman losing a large amount of blood and thus a large amount of the iron stored in the body. It has also been proven that many women suffer infections of the uterus as a result of using the coil. Despite all this, a woman may become pregnant with the coil in place, as has happened to a number of women. We ask Allaah to keep us safe and sound.

And Allaah knows best.

Islam Q&A
Sheikh Muhammed Salih Al-Munajjid

المدخل
محمد بن محمد العبردي (ابن الحاج) المالكي

فصل في أداب العالم والمتعلم في بيته
فصل في أداب الجماع

فصل في أدابه في الاجتماع بأهله فإنْ كانت له حاجة إلى أهله فالسنة الماضية في ذلك أهله لا يكون معه أحد في البيت غير زوجته أو جاريته، إذ ذاك . وقد كان عبد الله بن عمر رضي الله عنهما إذا كانت له حاجة إلى أهله أخرج الرضيع من البيت، وقد قالوا لما يتبغي أن يفعل ذلك، وهر في البيت، وذكر الهر منهم شبيه على غيره، والمقصود أهله يكون سالما من عينين تنظران إليه؛ إذ أن ذلك عورة، والعورة يتغين سترها، وهو مخير في فعل ذلك أول الليل أو آخره لكن أول الليل أولى؛ لأن وقت الغسل يبقى زمنه متسعا بخلاف آخر الليل فإنه قد يضيق عليه، وقد يتولى إلى تقويت الصبح في جماعة أو إلى إخراج الصلاة عن وقتها المختار . ووجه آخر: وهو أن آخر الليل إذا فعل ذلك فيه كان عقيب نوم، وقد يتعلق بالقم والائف شيء من بخار المعدة مما يغمر رائحة القم أو الائف، فإذا شمها أحدهما كان ذلك سببا لكرهه أحدهما في صاحبه، ومراد الشارع - صلوات الله عليه وسلامه - دوام النافع والمحبة، وذلك ينافيها . لا ترى إلى تهيه عليه الصلاة والسلام عن أن يأتي الرجل أهله طروفا ليلاً يدخل عليهن قبل أن يتأهبن للاقائه، فتهي عليه الصلاة والسلام عن ذلك لكي تمشط الشعنة وتذهب وتنطىء وتناهب، فيكون ذلك أدعى إلى بقاء العصمة والنافع والمحبة، لا ترى إلى فعله عليه الصلاة والسلام أهله كان إذا قدم من سفر بدأ بالمسجد فصل فيه، وذلك لقوائد أحدهما: أن يبدأ بزيارة بيته ربّه، وبالخصوص له فيه بالرُّوع، والسجود، ومنها أن يفضل ما هو منسوب إلى ربّه لبيته أمّه صلى الله عليه وسلم على تدمير ما هو لله على ما لانفسهم فيه حظ ما، ومنها أن أصحابه ومعارفه يأخذون حظهم من رؤيته والسلام عليه حين قدومه، فإذا فرخوا، ودخل بيته " لم يكن ثم من يخوجه إلى الخروج في الغالب، ومنها ما تقدم ذكره من أن أهله يأخذون الأهبة للاقائه، ومنها أن لقاء الأحبة بعنة قد يتولى إلى ذهاب التفوس عند اللقاء لفترة ما يتولى على النفس إذ ذاك من الفرح والسرور . وقد حكي عن كثير من الناس أنهم ماتوا بسبب ذلك فاجأهم السرور فماتوا من شدة الفرح، وفوم فجاثهم المصائب فماتوا من شدة الهم والغم . ومن هذا الباب ما فعله يوسف الصديق صلى الله عليه وسلم في التلطّف بالاجتماع بأبيه يعقوب عليه الصلاة والسلام في أنّه أرسل إليه البشير أوّلاً حتّى علم أنّه موجود في الأحياء، ثم أرسل إليه ثانيةً الفميس ليجد ريحه كما أخبر به عزّ وجلّ في كتابه العزيز فزاد أنسه بشم رائحته وأثره، ثم بعد ذلك وقع الاجتماع، ويتبغي له إذا عزم على الاجتماع بأهله أن يتحرّز مما يفعله بعض العوام، وهو متّهي عنه وهو أن يأتي زوجته وهي على عقلة، بل حتّى يلأعيبها ويمارحها بما هو مباح مثل الجسدة، والفلة، وما شاكل ذلك، حتّى إذا رأى أنها قد ابعت لما هو يريده منها، وانشرحت لذاك، وأقبلت عليه فحيتن يأتيها، وحِممة الشر في ذلك بيته، وذلك أن المرأة تُحب من الرجل ما يُحب منها، فإذا أتتها على عقلة قد يُفضي هو حاجته، وتبقى هي فقد يُشوّش عليها ذلك، وقد لا يتصانُ دينها، فإذا فعل ما ذكر تيسّر عليها الأمر، وانصان دينها . ثم إذا أتتها فيمتنّ السنة في ذلك، وهو أن يقول ما جاء في الحديث الصحيح عنه عليه الصلاة والسلام حيث قال { لو أن أحدكم إذا أتى إلى أهله قال : بسم الله الرحمن الرحيم جبنا الشيطان ، وجتب الشيطان ما رزقنا فرزقا ولدا ، لم يضره الشيطان ، ولم يسلط عليه } ، ولما شكَ أنَّ من امتنَّ السنة في ذلك خرج ولده كما ذكر عليه الصلاة والسلام . فإن قال قائل قد تحدُّ كثيراً من

أوْلَادُ الْمُبَارَكِينَ يَخْرُجُونَ عَلَى صِفَةٍ مِنَ الصَّفَاتِ الْدَّمِيْمَةِ فَالْجَوَابُ : أَنَّ وَالَّدَهُ لَوْ امْتَنَّ السُّنَّةَ فِيمَا تَقْدَمَ ذِكْرُهُ مَا حَصَلَ شَيْءٌ مِنْ ذَلِكَ ، وَالقَلِيلُ مِنَ النَّاسِ مِنْ يَثْبُتُ لِامْتِنَالِ السُّنَّةِ فِي ذَلِكَ الْوَقْتِ لِغَلَبَةِ فُوَّةِ بَاعِثِ النَّفْسِ عَلَى تَحْصِيلِ لَدَانِهَا وَشَهَوَاتِهَا ، وَيَبْغِي لَهُ أَنْ يُرَاعِي حَقَّ زَوْجَتِهِ فِي الْجَمَاعِ ، وَأَنْ يَأْتِيَهَا لِيَصُونَ دِينَهَا ، وَيَكُونَ قَضَاءُ حَاجَتِهِ تَبَعًا لِغَرَضِهَا فَيَحْصُلُ إِذْ ذَلِكَ فِي عُمُومِ قُولِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ { : وَاللَّهُ فِي عَوْنَ الْعَبْدِ مَا دَامَ الْعَبْدُ فِي عَوْنَ أَخِيهِ } ، وَكَثِيرٌ مِنَ النَّاسِ مِنْ لَا يَعْرِفُ السُّنَّةَ فِي ذَلِكَ يَأْتِي زَوْجَتِهِ عَلَى عَقْلَةٍ فَيَقْضِي حَاجَتَهُ مِنْهَا ، وَهِيَ لَمْ تَقْضِ مِنْهُ وَطَرًا ، كَمَا تَقْعُلُ الْبَهَائِمُ فَيَكُونُ ذَلِكَ سَبَبًا لِأَحَدِ شَيْئِينَ إِمَّا فَسَادُ دِينِهَا وَإِمَّا تَبْقِي مُتَشَوْشَةً مُتَشَوْقَةً لِغَيْرِهِ ، وَيَبْغِي لَهُ أَنْ لَا يُجَامِعُهَا ، وَهُمَا مَكْشُوفَانَ بِحَيْثُ لَا يَكُونُ عَلَيْهِمَا شَيْءٌ يَسْتُرُهُمَا ؛ لِأَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ ذَلِكَ وَعَابَهُ ، وَقَالَ فِيهِ : كَمَا يَقْعُلُ الْعِيرَانُ ، وَقَدْ كَانَ الصَّدِيقُ رَضِيَ اللَّهُ عَنْهُ يُعْطِي رَأْسَهُ إِذْ ذَلِكَ حَيَاءً مِنَ اللَّهِ تَعَالَى ، وَإِنْ كَانَ فِي بَرِّيَّةٍ أَوْ عَلَى سَطْحِهَا فَلَا يُجَامِعُ مُسْتَقْبِلَ الْقِبْلَةِ ، وَلَا مُسْتَدِيرَهَا ، وَإِنْ كَانَ فِي بَيْتٍ فَيُخْتَلِفُ فِيهِ بِالْجَوَازِ وَالْكَرَاهَةِ ، وَالْمَشْهُورُ الْجَوَازُ .

وَيَبْغِي لَهُ إِذَا قَضَى وَطَرَهُ أَنْ لَا يُعْجَلَ بِالْقِيَامِ ؛ لِأَنَّ ذَلِكَ مِمَّا يُسْوَشُ عَلَيْهَا بَلْ يَبْقِي هَنْيَهَةً حَتَّى يَعْلَمَ أَنَّهَا قَدْ انْقَضَتْ حَاجَتُهَا ، وَالْمَعْصُودُ مِرَاعَاهُ أَمْرُهَا ؛ لِأَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُوصِي عَلَيْهِنَّ ، وَيَحْضُنُ عَلَى الْإِحْسَانِ إِلَيْهِنَّ ، وَهَذَا مَوْضِعٌ لَا يُمْكِنُ الْإِحْسَانُ إِلَيْهَا مِنْ غَيْرِهِ فَلَيَجْتَهِدْ فِي ذَلِكَ جَهَدُهُ ، وَاللَّهُ الْمَسْئُولُ فِي التَّجَاوِزِ عَمَّا يَعْجِزُ الْمَرْءُ عَنْهُ ، وَيَبْغِي لَهُ أَنْ يَتَجَبَّ مَا يَقْعُلُهُ بَعْضُ النَّاسِ ، وَقَدْ سُئِلَ مَالِكُ رَحْمَهُ اللَّهُ عَنْهُ فَأَنْكَرَهُ وَعَابَهُ ، هُوَ الْخَيْرُ ، وَالْكَلَامُ السَّفَطُ . قَالَ ابْنُ رُشْدٍ رَحْمَهُ اللَّهُ : وَإِنَّمَا أَنْكَرَ مَالِكُ رَحْمَهُ اللَّهُ ذَلِكَ ؛ لِأَنَّهُ لَمْ يَكُنْ مِنْ عَمَلِ السَّلَفِ .

ثُمَّ إِذَا فَرَغَ مِنْ قَضَاءِ إِرَبِهِ فَهُوَ مُحْيِيٌّ بَيْنَ أَحَدِ أَمْرِيْنِ إِمَّا أَنْ يَغْتَسِلَ لِيَتَامَ عَلَى أَكْمَلِ الْحَالَاتِ ، وَإِمَّا أَنْ يَتَوَضَّأَ لِيَتَامَ عَلَى إِحْدَى الطَّهَارَتَيْنِ ، وَأَخْتَلِفُ إِذَا تَعْدَرَ عَلَيْهِ الْعُسْلُ أَوْ الْوُضُوءُ هُلْ يَتَيَّمُ أَمْ لَا ؟ قَالَ ابْنُ حَيْبٍ : لَا يَتَامَ الْجَنْبُ حَتَّى يَتَوَضَّأَ فَإِنْ تَعْدَرَ عَلَيْهِ فَلَيَتَيَّمَ ، وَلَا يَتَامَ إِلَّا بِوُضُوءٍ أَوْ تَيَّمُّمٍ ، وَيَبْغِي لَهُ أَنْ يَتَوَيَّيِّرَ عِنْدَ الْجَمَاعِ رَجَاءً أَنْ يَكُونَ بَيْتُهُمَا وَلَدٌ يَكْثُرُ بِهِ الْإِسْلَامُ ، وَيَكُونُ مِنَ الْعُلَمَاءِ الصَّالِحِينَ ، وَقَدْ قَالَ عُمَرُ بْنُ الْخَطَّابَ : رَضِيَ اللَّهُ عَنْهُ إِنِّي لَأَتَرْوَجُ النِّسَاءَ ، وَمَا لِي إِلَيْهِنَّ حَاجَةٌ ، وَأَطْأَهُنَّ وَمَا لِي إِلَيْهِنَّ شَهْوَةٌ قَبْلَ لَهُ ؛ وَلَمْ ذَلِكَ يَا أَمِيرَ الْمُؤْمِنِينَ ؟ قَالَ : رَجَاءً أَنْ يُخْرِجَ اللَّهُ مِنْ ظَهْرِي مَنْ يُكَاثِرُ بِهِ مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْأَمَمَ يَوْمَ الْقِيَامَةِ ، وَيَبْغِي لَهُ إِذَا نَوَى مَا تَقْدَمَ ، وَقَعَلَ مَا ذَكَرَ أَنْ يَكِلَّ ذَلِكَ إِلَى مَشِينَةِ رَبِّهِ عَزَّ وَجَلَّ ، وَأَنْ يَقْتَرِنَ إِلَيْهِ فِيهِ وَيَبْرَأُ مِنْ مَشِينَةِ نَفْسِهِ ، وَتَنْبِيَرِهِ ، وَحَوْلِهِ ، وَقَوْتِهِ ، وَأَنْ يَكُونَ إِذْ ذَلِكَ مُتَوَاضِعًا مُتَذَلِّلًا لِعَلَى أَنْ تَقْضَى حَاجَتُهُ . وَقَدْ جَاءَ فِي الْحَدِيثِ الصَّحِيحُ { عَنْ نَبِيِّ اللَّهِ سُلَيْمَانَ بْنَ دَاؤِدَ عَلَيْهِمَا الصَّلَاةُ وَالسَّلَامُ أَنَّهُ قَالَ : لَأَطْوَفَنَّ الْأَيْلَةَ عَلَى مَائَةِ أَمْرَأَةٍ كُلُّهُنَّ ثَاتِي يَقْارِسُ يُجَاهِدُ فِي سَبِيلِ اللَّهِ قَالَ لَهُ الْمَالِكُ : قُلْ : إِنْ شَاءَ اللَّهُ فَلَمْ يَقُلْ : إِنْ شَاءَ اللَّهُ فَطَافَ عَلَيْهِنَّ جَمِيعًا فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا امْرَأَةٌ وَاحِدَةٌ جَاءَتْ بِشِقَّ رَجُلٍ . قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : وَالَّذِي نَفْسِي بِيَدِهِ لَوْ قَالَ : إِنْ شَاءَ اللَّهُ لَجَاهَدُوا فِي سَبِيلِ اللَّهِ فَرَسَاتِنَا أَجْمَعُونَ ، } فَالْحَاصلُ مِنْ هَذَا أَنْ يَتَعَلَّقَ الْمَرْءُ بِمَشِينَةِ اللَّهِ تَعَالَى ، وَيَكِلُّ الْأَمْرَ إِلَيْهِ ، وَيَبْرَأُ مِنْ مَشِينَةِ كَمَا تَقْدَمَ

ثُمَّ إِنْ بَدَأَهُ أَنْ يَعُودَ إِلَى الْاجْتِمَاعِ يَأْهُلُهُ ، فَإِنْ كَانَ بَعْدَ الْعُسْلِ أَوْ الْوُضُوءِ فَيَقْعُلُ كَمَا تَقْدَمَ أَوْلَآ ، وَإِنْ كَانَ قَبْلَ ذَلِكَ فَلَيَغْسِلُ ذَكْرَهُ قَبْلَ أَنْ يَعُودَ ؛ لِأَنَّ النَّبِيَّ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ كَانَ إِذَا أَرَادَ ذَلِكَ غَسْلَ ذَكْرَهُ ثُمَّ عَادَ ، قَالَ

القاضي عياض رحمة الله تعالى : وإنما فعل ذلك ; لأن عسل الذكر يقوى العضو وينشطه ، وكثرة هذا كان من شأن العرب أن يتذمرون به ، ويقتربوا به ; لـأنه نليل على فوـة الرجل ، وصحـة بـنه ، ومـزاجـه ، ولـهـذا المعـنى أعـطـيـ النبيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ مـاءـ أـرـبعـينـ رـجـلـ حـتـىـ خـرـجـ عـنـ مـالـفـوـهـمـ ، وـعـادـتـهـمـ ، فـإـنـ قـالـ قـائـلـ : فـإـذاـ كـانـ ذـكـرـ عـلـىـ مـاـ قـرـرـتـ أـنـ كـثـرـهـ هـذـاـ مـدـحـوـهـ ، وـالـنـبـيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ أـفـضـلـ النـبـيـاءـ وـالـمـرـسـلـيـنـ ، فـمـاـ الـجـوـابـ عـنـ نـبـيـ اللهـ سـلـيـمانـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ فـيـ كـوـنـهـ أـعـطـيـ مـاءـ مـائـةـ رـجـلـ ؟ فـالـجـوـابـ : أـنـ كـلـاـ مـنـهـمـ صـلـوـاتـ اللهـ عـلـيـهـمـ وـسـلـامـهـ أـعـطـيـ مـقـصـدـهـ وـمـطـلـبـهـ ، فـنـبـيـ اللهـ سـلـيـمانـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ طـلـبـ مـلـكـاـ لـاـ يـتـبـغـيـ لـأـحـدـ مـنـ بـعـدـهـ ، وـمـنـ شـانـ الـمـلـوـكـ الـزـيـادـةـ فـيـ هـذـاـ الشـانـ ، وـكـثـرـةـ النـسـاءـ فـأـعـطـيـ مـاـ يـفـوقـ بـهـ سـائـرـ الـمـلـوـكـ ؛ لـأنـ المـلـوـكـ وـإـنـ وـجـدـوـاـ الـقـدـرـ عـلـىـ تـحـصـيلـ كـثـرـةـ النـسـاءـ فـهـمـ عـاجـزـوـنـ عـنـ مـاءـ رـجـلـ وـأـحـدـ فـضـلـاـ عـنـ مـاءـ مـائـةـ رـجـلـ . وـالـنـبـيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ خـيـرـ بـيـنـ أـنـ يـكـوـنـ بـيـنـ مـلـكـاـ أـوـ بـيـنـ عـبـدـاـ فـاخـتـارـ أـنـ يـكـوـنـ بـيـنـ عـبـدـاـ فـأـعـطـيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ مـاـ يـقـضـلـهـ بـهـ ، وـإـنـ كـانـ النـبـيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ أـعـطـيـ مـاءـ أـرـبعـينـ رـجـلـ فـحـالـهـ فـيـ ذـكـرـ كـمـاـ قـالـتـ عـائـشـةـ رـضـيـ اللهـ عـنـهـ لـمـاـ سـيـلـتـ عـنـ الـقـبـلـةـ لـلـصـائـمـ ، وـأـيـكـمـ أـمـلـكـ لـيـرـبـهـ مـنـ رـسـوـلـ اللهـ ؟ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ قـدـلـ عـلـىـ أـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ كـانـ لـاـ يـأـتـيـ لـأـحـوـالـ الـبـشـرـيـةـ لـأـجـلـ نـفـسـهـ الـمـكـرـمـةـ ، بـلـ ذـكـرـ مـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ عـلـىـ طـرـيـقـ ثـانـيـسـ الـبـشـرـيـةـ لـأـجـلـ الـإـقـتـدـاءـ بـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ . أـلـاـ تـرـىـ إـلـىـ قـوـلـ عـمـرـ الـمـتـقـدـمـ ذـكـرـهـ : إـنـيـ لـأـتـرـوـجـ النـسـاءـ ، وـمـاـ لـيـ إـلـيـهـ حـاجـةـ . وـقـدـ قـالـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ {ـ : حـبـبـ إـلـيـهـ مـنـ دـنـيـاـكـ ثـلـاثـ الـطـيـبـ ، وـالـنـسـاءـ ، وـجـعـلـتـ فـرـةـ عـيـنـيـ فـيـ الصـلـاـةـ }ـ فـانـظـرـ إـلـىـ حـكـمـةـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ : حـبـبـ ، وـلـمـ يـقـلـ : أـحـبـيـتـ ، وـقـالـ مـنـ دـنـيـاـكـ فـأـصـافـهـ إـلـيـهـمـ دـوـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ قـدـلـ عـلـىـ أـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ كـانـ حـبـبـ خـاصـاـ بـمـوـلـاهـ عـزـ وـجـلـ يـدـلـ عـلـيـهـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ {ـ : وـجـعـلـتـ فـرـةـ عـيـنـيـ فـيـ الصـلـاـةـ }ـ وـمـاـ ذـاكـ إـلـاـ لـمـ اـشـتـمـتـ عـلـيـهـ مـنـ الـمـعـانـيـ الـعـلـيـةـ الـشـرـيـفـةـ ، فـكـانـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ بـشـرـيـ الـظـاهـرـ مـلـكـيـ الـبـاطـنـ ، فـكـانـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ لـاـ يـأـتـيـ إـلـىـ شـيـءـ مـنـ أـحـوـالـ الـبـشـرـيـةـ إـلـاـ تـأـيـيـسـاـ لـمـأـتـهـ ، وـتـشـرـيـعـاـ لـهـاـ لـاـ أـنـهـ مـحـتـاجـ إـلـىـ شـيـءـ مـنـ ذـكـرـ كـمـاـ تـقـدـمـ ، وـلـلـجـهـ بـهـذـهـ الـأـوـصـافـ الـجـلـيـلـةـ ، وـالـخـصـالـ الـحـمـيـدـةـ قـالـ الـجـاهـلـ الـمـسـكـيـنـ }ـ : مـالـ هـذـاـ الرـسـوـلـ يـأـكـلـ الـطـعـامـ ، وـيـمـشـيـ فـيـ الـأـسـوـاقـ }ـ أـلـاـ تـرـىـ إـلـىـ قـوـلـهـ تـعـالـيـ فـيـ كـتـابـهـ الـعـزـيـزـ }ـ : قـلـ لـاـ أـقـولـ لـكـمـ عـنـدـيـ خـرـائـنـ اللهـ وـلـاـ أـعـلـمـ عـيـبـ وـلـاـ أـقـولـ لـكـمـ إـنـيـ مـلـكـ }ـ ، وـلـمـ يـقـلـ إـنـيـ مـلـكـ ، فـلـمـ يـفـقـدـ الـمـلـكـيـةـ عـنـهـ إـلـاـ بـالـسـبـبـ إـلـيـهـمـ أـعـيـنـ فـيـ مـعـانـيـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ لـاـ فـيـ ذـاتـهـ الـكـرـيمـةـ ، إـذـ أـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ يـلـحـقـ بـشـرـيـتـهـ مـاـ يـلـحـقـ الـبـشـرـ . وـلـهـذاـ قـالـ سـيـدـيـ الشـيـخـ الـجـلـيـلـ أـبـوـ الـحـسـنـ الشـادـلـيـ رـحـمـهـ اللهـ تـعـالـيـ فـيـ صـيـقـتـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ : هـوـ بـشـرـ لـيـسـ كـالـبـشـارـ كـمـاـ أـنـ الـيـاـفـوـتـ حـجـرـ لـيـسـ كـالـحـجـارـ ، وـهـذـاـ مـنـهـ رـحـمـهـ اللهـ عـلـىـ سـيـلـ الـتـقـرـيـبـ لـلـأـفـهـامـ ، فـلـ عـلـىـ أـنـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ كـانـ مـلـكـيـ الـبـاطـنـ ، وـمـنـ كـانـ مـلـكـيـ الـبـاطـنـ مـلـكـ نـفـسـهـ ، وـمـنـ هـاـهـنـاـ يـقـهـمـ مـعـقـىـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ }ـ : أـخـرـجـيـ الـذـيـ أـخـرـجـكـمـ }ـ ; لـأـنـهـ دـاـ ، وـمـاـ أـشـبـهـهـ مـنـ بـابـ الـتـأـيـيـسـ لـلـأـمـمـ ، وـمـنـ ذـكـرـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ فـيـ مـرـضـهـ الـذـيـ مـاتـ فـيـهـ }ـ : إـنـ للـمـوـتـ لـسـكـرـاتـ }ـ قـالـ بـعـضـ الـعـلـمـاءـ فـيـهـ : إـنـ ذـكـرـ مـنـ بـابـ شـدـةـ الـلـامـ ، وـالـأـوـجـاعـ لـرـفـعـةـ مـنـازـلـ الـمـرـسـلـيـنـ ، وـمـثـلـهـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ }ـ : إـنـيـ أـوـلـكـ كـمـاـ يـوـعـكـ الرـجـلـانـ مـنـكـ }ـ الـحـدـيـثـ اـشـهـيـ . وـهـذـاـ مـنـ بـابـ الـتـأـيـيـسـ الـبـشـرـيـةـ كـمـاـ تـقـدـمـ ، وـقـدـ كـانـ سـيـدـيـ أـبـوـ مـحـمـدـ الـمـرـجـانـيـ رـحـمـهـ اللهـ يـقـولـ فـيـ قـوـلـهـ عـلـيـهـ الصـلـاـةـ وـالـسـلـامـ }ـ : إـنـ للـمـوـتـ لـسـكـرـاتـ }ـ إـنـ ذـكـرـ الـسـكـرـاتـ سـكـرـاتـ الـطـرـبـ ، أـلـاـ تـرـىـ إـلـىـ قـوـلـ بـلـالـ رـضـيـ اللهـ عـنـهـ حـيـنـ قـالـ لـهـ أـهـلـهـ ، وـهـوـ فـيـ السـيـاقـ ، وـأـكـرـبـاـهـ فـقـطـ عـيـنـهـ ، وـقـالـ : وـأـطـرـبـاـهـ عـدـاـ الـقـيـ الـأـجـبـهـ مـحـمـداـ ، وـحـزـبـهـ اـنـتـهـيـ . فـإـذاـ كـانـ هـذـاـ طـرـبـهـ فـيـ هـذـاـ الـحـالـ بـلـقـاءـ مـحـبـوـيـهـ ، وـهـوـ النـبـيـ صـلىـ اللهـ عـلـيـهـ وـسـلـمـ وـحـزـبـهـ ، فـمـاـ بـالـكـ بـلـقـاءـ الـنـبـيـ صـلىـ اللهـ

عليه وسلم للمولى الكريم { : فَلَا تَعْلَمُ نَفْسٌ مَا أَخْفَى لَهُمْ مِنْ فَرَّةَ أَعْيُنٍ } , وهذا موضع تقصير العباره عن وصف بعضه , فالحاصل من هذا أنَّ أحوال البشرية , وما يطرأ عليها من الأمراض والأعراض إنما ذلك على الظاهر في الظاهر , وهو عليه الصلاة والسلام مشغول بربه مُقْبِلٌ على آخرته ظاهره مع الخلق , وباطنه مع رب الخلق , ومن كان كذلك فهو غائب عن ألم الظاهر . هذا تجده محسوساً في بعض الأولياء فكيف بسيد الأولياء والآخرين صلوات الله عليه وسلمه , ألا ترى إلى ما حكي عن بعض السلف , وهو عروة بن الزبير رضي الله عنه لما أصابته الأكلة في رجليه فلردوه أن يقطعوا القدم التي خرجت فيه لئلا تتداء لجميع بدنه , فكان يأبى عليهم ذلك فقالت لهم زوجته : إنكم لما تقدرون على ذلك إلا أن يكون في الصلاة فلما أن كان في الصلاة حضرها فقطعوا هاتي ، فلما فرغ من صلاته رأهم مُحدِقين به فقال لهم : أتريدون أن تقطعوا لي غير هذه المرأة إن شاء الله تعالى فقالوا له : هوذا فقال : والله ما شعرت بكم ، وكذلك ما حكي عن علي بن أبي طالب رضي الله عنه أنه كان في المسجد يصلي ، وأنهدمت سطوانة فيه ، فهرع الناس من أسوأ لهم ينظرون الخبر لشدة اثر عاجهم عند وقوعها وتأثيرهم ، وهو في الصلاة لم يشعر بشيء من ذلك . وقد تقدمت حكاية بعض المتأخرین أنه إذا كان في بيته لما يتكلم أحده في حضرته ، فإذا دخل في الصلاة تكلموا ولعنوا ، فسئل أهله عن ذلك فقالوا : إنما إذا كان في الصلاة لما يشعر بشيء ، وظاهر ما حكي عنهم في ذلك مشكل ، وببيان إشكاله أنه إذا لم يشعر بشيء مما ذكر ، فكيف يتأتى منه التوفيقية بأركان الصلاة ، وقد كان سيدى أبو محمد رحمه الله يزيل هذا الإشكال فيفرق بين الفرض والنفل ، ويقول : إن كان فرضًا فلابد من إبقاء بعض حال البشرية عليه لتوفيقية أركان الفرض ، وإن كان في النفل فحقيقة الحضور فيه أن يقى الذكر في المذكور .

: (فصل) ، وقد تقدَّمَ في الحديث الوارد في أنَّ { المؤمن يأكل يشهوَة عياله } ، فإذا كان في الأكل بهذه المتابة فما بالك به في الجماع ، إذ أنه من أكبر المذمودات والشهوات ، فيعمل على أن يُوْفَى لها ذلك إذا أرادته ، وهو لما يطالع على ارادتها ; لأنها لما تطلب ذلك في الغالب ، وإن كان قد رُكِبَ فيها من الشهوة أضعاف ما في الرجل لكنه أطاعها الله تعالى من الحياة ما يُعْمَرُ ذلك كله ، فإذا رأى منها أمارات الطلب ذلك فليرضها ، وذلك مثل أن تتنزَّنَ وتتَّعَطَّرَ ، وتتبَّسَ إلى غير ذلك ، فالحاصل أنه يكون عَرَضُه تابعاً لغرضها فيتصِّفُ إذ ذاك بما تقدَّم ذكره من قوله عليه الصلاة والسلام : المؤمن يأكل يشهوَة عياله ، وقوله عليه الصلاة والسلام { : والله في عون العبد ما دام العبد في عون أخيه } إلى غير ذلك ، وهو كثير ، وهذا إذا لم تكون ثم ضرورة أكيدة للجماع في وقته ذلك مثل أن يكون قد رأى امرأة أعجبته فieriأن يمثل السيدة لقوله عليه الصلاة والسلام { : من رأى مثلك منك امرأة ثعيبة فليأت أهله ، فإن الذي عَنْهُ هذه عَنْهُ هذه } فإن كان كذلك ، فما ينتظِرُ أمارات طلبها ، لكنه يتبَّغى له أن لا يترك المداعبة قبل الفعل مع التأدب المُتَّقدَم ذكرها . وقد ورد { عن النبي عليه الصلاة والسلام فيمن لم يكن له أهلاً ، ورأى امرأة أعجبته فليقل : اللهم أبدل لي عوضها حُوريَّة ، فإن الله تعالى يُبَدِّلُ له عوضها حُوريَّة } أو كما قال عليه الصلاة والسلام

(فصل) وليخذل أن يفعل مع زوجته أو جارته هذا الفعل الفبيح الشنيع الذي أحدثه بعض السفهاء ، وهو إثبات المرأة في ذُرُّها ، وهي مسالة معضلة في الإسلام ، ولبيتهم لو افتصروا على ذلك لكنهم نسبوا ذلك إلى الجواز ، ويقولون : إنَّ مَرْوِيَّ عن مالِكٍ رحْمَهُ اللهُ ، وهي رواية منكرة عنْهُ لَا أصل لها ; لأنَّ مَنْ نسبَها إلى مالِكٍ إنما

نَسَبَهَا إِكْتَابِ السَّرِّ , وَإِنْ وُجِدَ ذَلِكَ فِي عَيْرِهِ فَهُوَ مُنْتَقُولٌ عَلَيْهِ , وَأَصْحَابُ مَالِكٍ رَحْمَهُ اللَّهُ مُطْبَقُونَ عَلَى أَنَّ مَالِكًا لَمْ يَكُنْ لَهُ كِتَابٌ سِرِّ , وَفِيهِ مِنْ عَيْرِهِ مَا يُنْكَرُ كَثِيرًا مُنْكَرَةً يَجْلُ عَيْرُ مَالِكٍ عَنْ إِبْاحَتِهَا فَكَيْفَ بِمَنْصِبِهِ , وَمَا عُرِفَ مَالِكٌ إِلَّا بِنَقْيَضِ مَا نَقَلُوا عَنْهُ مِنْ أَنْ يَخْصُّ الْخَلِيفَةَ بِرُخْصٍ دُونَ عَيْرِهِ بَلْ كَانَ يُشَدَّدُ عَلَيْهِمْ , وَيَاخْذُهُمْ بِالسَّيَاسَةِ حَتَّى يُنْزَلُهُمْ عَنْ دَرَجَاتِهِمْ إِلَى دَرَجَاتِ عَيْرِهِمْ مِنْ سَائِرِ الْمُسْلِمِينَ مِثْلَ مَا جَرَى لَهُ مَعَ الْخَلِيفَةِ فِي إِفْرَاءِ الْمُوْطَأِ عَلَيْهِ كَمَا تَقَدَّمَ . وَقَدْ قَالَ لَهُ الْخَلِيفَةُ مَرَّةً : يَا مَالِكَ مَا زَلْتَ تُنْهِي الْأَمْرَاءَ , فَهَذَا هُوَ الْمَعْرُوفُ وَالْمَعْهُودُ مِنْ حَالِهِ مَعَهُمْ , وَقَدْ سُنَّلَ مَالِكٍ رَحْمَهُ اللَّهُ فِي الْكِتَابِ الْمَشْهُورَةِ الْمَرْوِيَّةِ عَنْهُ أَيْجُوزُ وَطَءُ الْمَرْأَةِ فِي دُبْرِهَا ؟ فَقَالَ : أَمَا أَنْتُمْ قَوْمٌ عَرَبٌ ؟ أَلْمَ تَسْمَعُوا قَوْلَ اللَّهِ تَعَالَى { : نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَنْتُمْ حَرْثُكُمْ أَتَى شِنْتُمْ } أَيْكُونُ الزَّرْعُ حِيَّثُ لَا تَبَاتَ ؟ وَقَوْلُهُ تَعَالَى { أَتَى شِنْتُمْ } قَيْلَ : مَعَنَاهُ كَيْفَ شِنْتُمْ مُقْبَلَةً أَوْ مُدْبِرَةً أَوْ بَارِكَةً فِي مَوْضِعِ الزَّرْعِ , وَقَيْلَ مَعَنَاهُ مَنْ شِنْتُمْ مِنْ لَيْلٍ أَوْ نَهَارٍ رُوِيَ عَنْ أَبْنِ عَبَّاسٍ , وَرُوِيَ عَنْهُ أَيْضًا أَنَّهُ قَالَ : مَعَنَاهُ فَأَنْتُمْ حَرْثُكُمْ كَيْفَ شِنْتُمْ إِنْ شِنْتُمْ فَاعْزُلُوا , وَإِنْ شِنْتُمْ فَلَا تَعْزُلُوا . وَقَدْ رُوِيَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ سُنَّلَ عَنْ جَوَازِ ذَلِكَ فَقَالَ : أَفَ أَفَ أَيْقُنُ ذَلِكَ مُؤْمِنٌ ؟ أَوْ قَالَ مُسْلِمٌ , وَقَدْ خَرَجَ أَبُو دَاؤِدُ فِي سُنْتِهِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ { : مَلُوْنُ مَنْ أَتَى امْرَأَةً فِي دُبْرِهَا } , وَمَنْ الْبَيَانُ وَالْحَصِيلُ رُوِيَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ { : إِنَّ اللَّهَ لَا يَسْتَحْيِي مِنَ الْحَقِّ لَا تَأْتُوا النِّسَاءَ فِي مَحَاشِيْنَ , مَلُوْنُ مَنْ أَتَى النِّسَاءَ فِي عَيْرِ مَحْرَاجِ الْأَوْلَادِ } , وَقَدْ قَيْلَ لِمَالِكٍ رَحْمَهُ اللَّهُ فِي الْكِتَابِ الْمَرْوِيَّةِ عَنْهُ أَنَّ شِيْخَ ذَلِكَ قَالَ : كَذَبَ مَنْ قَالَهُ , وَقَالَ مَرَّةً أُخْرَى : كَذَبُوا عَلَيَّ , وَقَالَ فِي أُخْرَى : كَذَبُوا عَلَيَّ عَافِكَ اللَّهُ أَمَا تَسْمَعُ اللَّهُ تَعَالَى يَقُولُ { : نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَنْتُمْ حَرْثُكُمْ أَتَى شِنْتُمْ } هُلْ يَكُونُ الْحَرْثُ إِلَيْهِ مَوْضِعُ الزَّرْعِ , وَلَا يَكُونُ الْوَطْءُ إِلَيْهِ مَوْضِعُ الْوَلْدِ , وَمَنْ كِتَابِ التَّقْسِيرِ لِابْنِ عَطِيَّةِ رَحْمَهُ اللَّهُ , وَفِي مُصَنَّفِ النَّسَانِيِّ قَدْ وَرَدَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ { : إِثْيَانُ النِّسَاءِ فِي أَدْبَارِهِنَّ حَرَامٌ } , وَرُوِيَ عَنْهُ أَنَّهُ قَالَ { : مَنْ أَتَى امْرَأَةً فِي دُبْرِهَا فَقَدْ كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ } قَالَ رَحْمَهُ اللَّهُ : وَهَذَا هُوَ الْحَقُّ الْمُتَبَعُ , وَلَا يَبْغِي لِمُؤْمِنٍ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ يَعْرُجَ فِي هَذِهِ النَّازِلَةِ عَلَى زَلَّةِ عَالَمٍ لَمْ تَصْحَّ عَنْهُ , وَاللَّهُ الْمُرْشِدُ لَأَرْبَابِ عَيْرِهِ , وَمَنْ مُصَنَّفُ التَّقْسِيرِ لِلْفَرْطِبِيِّ رَحْمَهُ اللَّهُ , وَقَدْ رُوِيَ عَنْ أَبْنِ عُمَرَ تَكْفِيرُ مَنْ فَطَهُ . قَالَ , وَرَوَى التَّرْمِذِيُّ فِي مُسْنَدِهِ عَنْ سَعِيدِ بْنِ يَسَارِ بْنِ الْحُبَابِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : قَالَ { : مَنْ أَتَى امْرَأَةً فِي دُبْرِهَا لَمْ يَنْظُرِ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ } . وَرَوَى أَبُو دَاؤِدُ الطَّبَالِسِيُّ فِي مُسْنَدِهِ عَنْ قَتَادَةَ عَنْ عَمْرُو بْنِ شَعْبِنَ عَنْ أَبِيهِ عَنْ جَدِهِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَسْتَعْنِيْ بِهِ عَمَّا سُوَاهُ , وَمَنْ كِتَابِ الشَّيْخِ الْأَجْلَلِيِّ أَبِي عَبْدِ اللَّهِ مُحَمَّدِ الْمَعْرُوفِ يَابْنِ ظَفَرِ رُوِيَ أَنَّ عَلَيَّ كَرَمَ اللَّهِ وَجْهَهُ سُنَّلَ عَنْ ذَلِكَ فَقَالَ : أَمَا عَلِمْتُمْ أَنَّهَا الْأَوْطَيَّةِ الصَّعْرَى . وَرَوَى عَبْدُ الرَّحْمَنَ بْنَ الْقَاسِمِ أَنَّ شَرْطَيِّ الْمَدِينَةِ دَخَلَ عَلَى مَالِكٍ بْنِ أَنْسٍ رَحْمَهُ اللَّهُ فَسَأَلَهُ عَنْ رَجُلٍ رُفِعَ إِلَيْهِ أَنَّهُ قَدْ أَتَى امْرَأَتَهُ فِي دُبْرِهَا , فَقَالَ لَهُ مَالِكٍ بْنُ أَنْسٍ : أَرَى أَنْ تُثْوِيَهُ ضَرْبًا , فَإِنْ عَادَ إِلَى ذَلِكَ فَقُرْقَبَ بِيَتِهِمَا , وَأَمَّا مَا حَكَى أَنَّ قَوْمًا مِنْ السَّلَفِ أَجَازُوا ذَلِكَ , فَلَا يَصْلَحُ مَعَ مَا ذَكَرَ مِنْ إِضَافَتِهِ إِلَيْهِمْ بَلْ يُحَمِّلُ عَلَى سُوءِ ضَبْطِ الثَّقَلَةِ , وَالاشْتِبَاهُ عَلَيْهِمْ , فَإِنَّ الدُّبْرَ اسْمٌ لِلظَّهَرِ قَالَ اللَّهُ تَعَالَى { : وَبَيْلُونَ الدُّبْرَ } , وَقَالَ { : وَمَنْ يُوْلِهِمْ يُوْمَنِدِ دُبْرَهُ } أَيْ ظَهَرُهُ , وَالْمَرْأَةُ ثُوْتَى مِنْ قَبْلِهِ , وَمَنْ دُبْرَ اتَّهَى . يَعْنِي أَنَّهَا ثُوْتَى مِنْ جَهَةِ ظَهَرِهَا فِي قَبْلِهَا , وَسَبَبَ نَزْولِ الْآيَةِ أَنَّ رَجُلًا مِنَ الْمُهَاجِرِينَ تَرَوَّجَ امْرَأَةً مِنَ الْأَنْصَارِ فَذَهَبَ يَصْنُعُ بِهَا مَا اعْتَدَهُ الْمُهَاجِرُونَ مِنْ أَنَّهُمْ كَانُوا يَتَلَذَّذُونَ مِنْ نِسَانِهِمْ مُقْبِلَاتٍ , وَمُدْبِرَاتٍ , وَمُسْتَقِيَّاتٍ فَأَنْكَرَتُهُ عَلَيْهِ , وَقَالَتْ : كُنَّا ثُوْتَى عَلَى حَرْفٍ فَاصْنُعْ ذَلِكَ ,

وإِلَّا فَاجْتَبَيْتِي حَتَّى سَرَّى أَمْرُهُمَا فَبَلَغَ ذَلِكَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَنْزَلَ اللَّهُ تَعَالَى { : نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَثُوا حَرْثَكُمْ أَتَى شِنْثُمْ } أَيْ مُقْبَلَاتٍ ، وَمُدْبِرَاتٍ ، وَمُسْتَقِيَّاتٍ يَعْنِي بِذَلِكَ فِي مَوْضِعِ الْوَلَدِ . وَرُوِيَ أَنَّ الْيَهُودَ كَانُوا يَقُولُونَ إِذَا جَاءَعَ الرَّجُلُ أَهْلَهُ فِي فَرْجِهَا مِنْ وَرَائِهَا كَانَ وَلَدُهُ أَحْوَلَ فَأَنْزَلَ اللَّهُ تَعَالَى { : نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَثُوا حَرْثَكُمْ أَتَى شِنْثُمْ } اَنْتَهَى . مِنْ السُّنْنِ لِأَبِي دَاؤِدَ ، وَقَدْ أَخْرَجَهُ الْبَخَارِيُّ أَيْضًا . هَذَا مَا هُوَ مِنْ طَرِيقِ النَّثْلِ ، وَأَمَّا طَرِيقُ النَّظَرِ فَقَدْ قَالَ عُلَمَاؤُنَا رَحْمَةُ اللَّهِ عَلَيْهِمْ : إِذَا مَنَعَ الْوَطْءَ فِي الْفَرْجِ فِي حَالِ الْحَيْضِ مِنْ أَجْلِ الْأَذْى لِقُولِهِ تَعَالَى { : وَيَسْأَلُوكُمْ عَنِ الْمَحِيطِ قُلْ : هُوَ أَذْى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيطِ وَلَا تَقْرُبُوهُنَّ حَتَّى يَطْهُرْنَ } ، وَهِيَ أَيَّامٌ يَسِيرَةٌ مِنْ الشَّهْرِ عَالِبًا ، فَمَا بَالِكَ بِمَوْضِعِ لَا تُفَارِقُهُ النِّجَاسَةُ الَّتِي هِيَ أَشَدُّ مِنْ دَمِ الْحَيْضِ ، وَقَدْ قَالُوا أَيْضًا : إِنَّ الْمَرْأَةَ كُلُّهَا مَحَلٌ لِلِّاسْتِمْتَاعِ إِلَّا مَا كَانَ مِنْ الْوَطْءِ فِي الدُّبُرِ فَهُوَ مُحَرَّمٌ مُطْلَقًا ، وَفِيمَا تَحْتَ الْإِزَارِ فِي أَيَّامِ الْحَيْضِ ، وَقَدْ تَقْدَمَ أَنَّ شَهْوَةَ الرَّجُلِ يَتَبَغِي أَنْ تَكُونَ تَابِعَةً لِشَهْوَةِ الْمَرْأَةِ ، وَوَطْوُهَا فِي الدُّبُرِ لَا مَنْعَةَ لَهَا فِيهِ بَلْ تَتَضَرَّرُ بِهِ مِنْ وَجْهِيْنِ : أَحَدُهُمَا تَحْرِيكُ بَاعِثٍ شَهْوَتِهَا مِنْ غَيْرِ أَنْ تَنْالَ غَرَصَهَا ، وَالثَّانِي أَنَّ الْوَطْءَ فِي ذَلِكَ الْمَحَلِ يَضْرُرُهَا

. (فَصْلٌ) وَيَعْنَيْنِ عَلَيْهِ أَنْ يَتَحَفَّظَ فِي نَفْسِهِ بِالْفَعْلِ ، وَفِي غَيْرِهِ بِالْفَوْلِ مِنْ هَذِهِ الْحَصْلَةِ الْقَبِيْحَةِ الَّتِي عَمَّتْ بِهَا الْبَلْوَى فِي الْغَالِبِ ، وَهِيَ أَنَّ الرَّجُلَ إِذَا رَأَى امْرَأَةً أَعْجَبَتْهُ ، وَأَتَى أَهْلَهُ جَعَلَ بَيْنَ عَيْنِيهِ تِلْكَ الْمَرْأَةَ الَّتِي رَأَاهَا ، وَهَذَا تَوْعُّ مِنْ الزَّنَنِ لِمَا قَالَهُ عُلَمَاؤُنَا رَحْمَةُ اللَّهِ عَلَيْهِمْ فِيمَنْ أَخْذَ كُوْزًا يَسْرِبُ مِنْهُ الْمَاءُ فَصَوَرَ بَيْنَ عَيْنِيهِ أَنَّهُ خَمْرٌ يَسْرِبُهُ أَنَّ ذَلِكَ الْمَاءَ يَصِيرُ عَلَيْهِ حَرَامًا ، وَهَذَا مَا عَمِّتْ بِهِ الْبَلْوَى حَتَّى لَقَدْ قَالَ لِي مِنْ أَنْقُ بِهِ : إِنَّهُ اسْتَشْتَى فِي ذَلِكَ مِنْ يُسْبِبُ إِلَى الْعِلْمِ فَأَفَقَى بِأَنْ قَالَ : إِذَا جَعَلَ مِنْ رَأَاهَا بَيْنَ عَيْنِيهِ عِنْدَ جَمَاعِ زَوْجِهِ فَإِنَّهُ يُؤْجِرُ عَلَى ذَلِكَ ، وَعَلَّهُ بِأَنْ قَالَ إِذَا فَعَلَ ذَلِكَ صَانَ دِينُهُ فَإِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ عَلَى وُجُودِ الْجَهَلِ وَالْجَهَلِ بِالْجَهَلِ ، وَمَا ذَكَرَ لَا يَخْتَصُ بِالرَّجُلِ وَحْدَهُ بِلْ الْمَرْأَةُ دَاخِلَةً فِيهِ بَلْ هِيَ أَشَدُّ ؛ لِأَنَّ الْغَالِبَ عَلَيْهَا فِي هَذَا الزَّمَانِ الْخُرُوجُ أَوْ النَّظَرُ مِنْ الطَّاقِ فَإِذَا رَأَتْ مِنْ يُعْجِبُهَا تَعْلَقَ بِخَاطِرِهَا ، فَإِذَا كَانَتْ عِنْدَ الْإِجْتِمَاعِ بِزُوْجِهَا جَعَلَتْ تِلْكَ الصُّورَةَ الَّتِي رَأَتُهَا بَيْنَ عَيْنِيهَا ، فَيَكُونُ كُلُّ وَاحِدٍ مِنْهُمَا فِي مَعْنَى الزَّانِي نَسْأَلُ اللَّهَ السَّلَامَ بِمَنْهُ ، وَلَا يَقْتَصِرُ عَلَى اجْتِنَابِ ذَلِكَ لَيْسَ إِلَّا ، بِلْ يُنْبَهُ عَلَيْهِ أَهْلُهُ وَغَيْرُهُمْ ، وَيُخْبِرُهُمْ بِأَنَّ ذَلِكَ حَرَامٌ لَا يَجُوزُ ، وَقَدْ ذَكَرَ الْطَّرْطُوشِيُّ رَحْمَهُ اللَّهُ فِي ذَلِكَ حَدِيثًا عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ { : إِذَا شَرَبَ الْعَبْدُ الْمَاءَ عَلَى شَبَّهِ الْمُسْكِرِ كَانَ ذَلِكَ الْمَاءُ عَلَيْهِ حَرَامًا }

. (فَصْلٌ) وَيَتَبَغِي لَهُ أَنَّهُ إِذَا اجْتَمَعَ بِأَهْلِهِ ، وَكَانَ بَيْنُهُمَا مَا كَانَ فَلَا يَذَكُرُ شَيْئًا مِنْ ذَلِكَ لِغَيْرِهَا ، وَكَثِيرًا مَا يَقْعُلُ بَعْضُ السُّفَهَاءِ هَذَا الْمَعْنَى فَيَذَكُرُ بَيْنَ أَصْحَابِهِ ، وَغَيْرُهُمْ مَا كَانَ بَيْنَهُ ، وَبَيْنَ زَوْجِهِ أَوْ جَارِيَتِهِ ، وَهَذَا قَبِيْحٌ مِنَ الْفَعْلِ كَفِى بِهِ أَنَّهُ لَمْ يَكُنْ مِنْ فَعْلِ مَنْ مَضَى ، وَالْخَيْرُ كُلُّهُ فِي الْإِتَّابَةِ لِهُمْ فِي الْمَصَادِرِ ، وَالْمَوَارِدِ كَمَا تَقْدَمَ ، وَكَمَا تَأْدِي حَدَّثُ أَحَدًا مِنَ النَّاسِ بِمَا ذَكَرَ فَكَذَلِكَ لَا يُحَدِّثُ أَهْلُهُ بِشَيْءٍ جَرَى بَيْنَهُ ، وَبَيْنَ غَيْرِهِمْ كَانَتْ مَا كَانَ ، وَهَذَا تَوْعُّ أَيْضًا مَا يَسْأَهُلُ فِيهِ كَثِيرٌ مِنَ النَّاسِ ، وَهُوَ قَبِيْحٌ إِذَا أَنَّ ذَلِكَ يُحَدِّثُ بَيْنَ الرَّجُلِ الْأَجَانِبِ وَالنِّسَاءِ الْمَوَدَّةِ وَالْمَحَبَّةِ فَيَأْتِي الرَّجُلُ إِلَى أَهْلِهِ فَيُتَبَّتِي لَهُمْ عَلَى مَنْ يَخْطُرُ بِبَالِهِ ، وَيُسْلَمُ عَلَيْهِمْ مِنْ جِهَتِهِ ، وَالسَّلَامُ يُحَدِّثُ الْمَوَدَّةِ وَالْمَحَبَّةِ ، وَقَدْ قَالَ بَعْضُ السَّلَفِ : رَضِيَ اللَّهُ عَنْهُمْ لَيْسَ لِلنِّسَاءِ فِي السَّلَامِ نَصِيبٌ ، وَقَدْ كَانَ سَيِّدِي أَبُو مُحَمَّدٍ رَحْمَهُ اللَّهُ يَقُولُ : كَيْفَ يُمْكِنُ أَنْ يُبَلِّغَ إِلَيْهِنَّ السَّلَامَ فَإِنَّهُ يُحَدِّثُ لَهُنَّ الْمَوَدَّةَ فِي الْقُلُوبِ ، وَدُخُولُ وَسُوَاسِ النَّفَسِ وَالْهَوَى وَالشَّيْطَانَ وَنَزَاعَتِهِ ، فَلَيُحَذِّرُ مِنْ هَذِهِ الْعَادَةِ ، فَإِنَّهَا شَنِيْعَةٌ . وَقَدْ قَالَ عُلَمَاؤُنَا رَحْمَةُ اللَّهِ عَلَيْهِمْ : إِنَّ

السلام ليس مشروع على المرأة الشابة في الابتداء به اللهم إلأ أنت يحدّث المرأة بما جرى له مع شيخه أو من يعتقد في مسائل العلم أو ما يحتاج إليه المكالف في دينه من الآداب، فهذا مندوب إليه، وقد يجب في بعض المواطن، وقد تقدم الكلام على آدابه في تصرفه في بيته لكن بقي من ذلك أول ليلة تدخل عليه الزوجة أو الجارية، فالصرف في ذلك كما تقدم لكن يستحب له أن يضع يده على ناصيتها، والناصية مقدم الرأس زوجة كانت أو جارية بكرًا كانت أو نبأ فتني على الله تعالى، ويصلّى على النبي صلى الله عليه وسلم ثم يقول :

اللهم إني أسألك خيرها، وخير ما جعلتها عليها، وأعوذ بك من شرها وشر ما جعلتها عليها، ثم يمضي لسيمه

فإذا استيقظ من نومه فليمر يده على وجهه، ثم يتشهّد ثم يرجع إلى الجانب الأيمن إن لم يكن عليه، ثم يسمّي الله تعالى، ويلبس ثوبه، ويدخل يده اليمين في الكعب قبل اليسير، فإذا ليس ثوبه فإن كان على غير جنابة فرأ { إن في خلق السموات والأرض } إلى آخر سورة آل عمران، ويداء تعرك اليوم عن عيبيه كذلك كان النبي صلى الله عليه وسلم يفعل . ثم يسمّي الله تعالى ويقوم من الفراش فينظر إلى السماء ثم يقول : اللهم لك الحمد أنت نور السموات والأرض ومن فيهن، ولك الحمد أنت قيوم السموات والأرض ومن فيهن، ولك الحمد أنت رب السموات والأرض ومن فيهن، أنت الحق، وقولك الحق، ووعدك حق، ولقاوك حق، والجنة حق، والثار حق، والساعة حق، اللهم لك أسلمت، وبك أمنت، وإليك توكلت، وبك خاصمت، وإليك حاكمت فاعف لي ما فهمت، وما أحررت، وما أسررت، وما أعلنت، أنت إله إلأ أنت، رب قمي عذابك يوم تبعث عبادك . هكذا ورد عن النبي صلى الله عليه وسلم . وكان أبو الدرداء رضي الله عنه يقول إذا قام من الليل : نامت العيون، وغارت النجوم، وأنت الحي القيوم . فإن كان جنبا فلما يقرأ شيئا من القرآن، ويقتصر على الذكر المذكور، وقد تقدم ما يتعلّق في ورده بالليل، وغيره . وكذلك تقدم بأبي نبيه يلبس ثوبه، وكله فيه من نبيه في أول الكتاب فاعتنى عن إعادته، وما تقدم ذكره من الذكر عند الاستفادة من اليوم إلى غير ذلك مأخوذ من قوله عليه الصلاة والسلام { يعقد الشيطان على قافية رأس أحدكم إذا هو نام ثلاث عقد ، يضرّب مكان كل عقد علىك ليل طويل فارقد ، فإن استيقظ فذكر الله تعالى انحنت عقدة ، فإن توّضا انحنت عقدة ، فإن صلّى انحنت عقدة كلها فاصبح شيطانا طيب النفس ، وإن أصبح خبيث النفس كسلان } ، وكسل النفس في الغالب إنما هو لأجل العقد الثالث ، فإن هو نكر الله عز وجل انحنت عقدة كما قال عليه الصلاة والسلام فيدّه من الكسل بقدر ذلك ، ثم إن توّضا انحنت العقدة الثانية فيدّه معها من الكسل بقدر ذلك ، ثم إن صلّى ذهب الشّرع في كونه شرعاً الله إذا فعل المرأة ما ذكر يصلي ركعتين خفيتين ، ثم بعد ذلك يصلي ركعتين طول الليل . ثم يتدرّج إلى أقل من ذلك على ما جاء في الحديث ، فشرع له عليه الصلاة والسلام أول ركعتين خفيتين حتى تذهب عقد الشيطان كلها ، ويذهب أثرها مرّة واحدة فيجده بسبب الشّاطئ الذي يحصل له ما يقدر به على طول القيام الذي شرعاً عليه الصلاة والسلام في قيام الليل . وما تقدم ذكره من أنه يدخل يده اليمين في كمه اليمين أو لآن مأخوذ من قول عائشة رضي الله عنها { كان النبي صلى الله عليه وسلم يحب الشّيم ما استطاع في شأنه كله في طهوره ، وترجله ، وتنعله } فعمّت الفعل كلها بقولها في شأنه كله ، ثم فصلت ذلك كله على القاعدة الشرعية ; لأن المكالف لما يخلو فعلة من أحذى ثنا : إنما وأجب أو مندوب أو مباح ، فذكرت الطهور لتشير به إلى جنس الواجبات ، والترجل لجنس المندوبات ، والتنعل لجنس المباحات ، وإذا كان ذلك كذلك في

اللبس فينبغي أن يكون عكسه في النزع ، فإذا نزع ثوبه ففيه يتزعم الكتم من اليد اليسرى قبل اليمين على ما تقدم من نزع النعل عند دخول المسجد ، والخروج منه

Other books you can read

1. Solution to Youth's Problem by Asghar Ali Chowdhry. Adam Publishers & Distributors. Shandar Market, Chitli Qabar, Delhi-6, India. www.adampublishers.com or apd@bol.net.in Third Edition 2001.

Notes: This book provides some homeopathic remedies for the ill effects of masturbation, and for curing impotency.